

No. 279 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,
Austin, Texas, March 7, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 335 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,
Austin, Texas, March 7, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 167 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,
Austin, Texas, March 7, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 297 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,
Austin, Texas, March 7, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 166 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,
Austin, Texas, March 7, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 190 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,
Austin, Texas, March 7, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 319 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

FORTY-SECOND DAY.

Senate Chamber,
Austin, Texas,
Tuesday, March 8, 1921.

The Senate met at 9:30 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Lynch Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Harp.
Baugh.	Hertzberg.
Bledsoe.	Lewis.
Buchanan.	McMillin.
Carlock.	McNealus.
Clark.	Murphy.
Cousins.	Parr.
Darwin.	Richards.
Davidson.	Suiter.
Dorough.	Watts.
Dudley.	Williams.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	Woods.

Absent.

Page.

Absent—Excused.

Rogers.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

Excused.

Senator Rogers for today and balance of the week, on motion of Senator Murphy.

See Appendix for committee reports.

Bills and Resolutions.

(By Unanimous Consent.)

By Senator Floyd:

S. B. No. 345. A bill to be entitled "An Act to amend Chapter 87 of the Local and Special Laws as passed by the Thirty-sixth Legislature at its Regular Session, being an Act to create a more efficient road law for Delta County, by adding thereto a new section to be known as Section 33a, and to provide that the commissioners' court of Delta County, Texas, shall have the right to condemn all real estate necessary in laying

out and constructing public roads for said county according to the provisions of the Special Road Law of said county and for this purpose shall follow and adopt the proceedings used in condemning lands by railroad companies in this State; and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

Senate Concurrent Resolution No. 27.

Whereas, the University of Texas owns and controls the buildings situated in Nineteenth Street and East Avenue formerly occupied and used as an institute for the blind; and

Whereas, The buildings are an expense to the University in the manner in which they are now being used; and

Whereas, The University of Texas is in need of more adequate facilities for housing the male student body of that Institution; therefore, be it

Resolved, By the Senate of the Thirty-seventh Legislature, the House concurring, that the Board of Control be and it is hereby requested to thoroughly investigate the feasibility and practicability of utilizing said buildings as a dormitory for young men, and to submit in writing to the next session of this Legislature the result of such investigation, together with an estimate of the probable cost to the State, should said Board of Control deem it advisable to so convert said buildings.

FAIRCHILD.

RICHARDS.

COUSINS.

The resolution was read and adopted.

Senate Concurrent Resolution No. 28.

By Senators Clark and McNealus:

Be it Resolved, by the Senate of Texas, the House concurring, that Section 1, Chapter 33, of the General Laws of Texas, be amended so as to read, "The Willie Smith Home For Dependent and Neglected Children."

In view of the fact that this home, located in Waco, Texas, will be complete within the next few weeks and

will be turned over, upon completion, to the Board of Control for the appointment of the management for said institution, and in view of the fact that Mrs. Willie Smith, Temple, Texas, is the originator of the activities that have resulted in the erection of this home, doing what she did without remuneration and because of her abiding love for those whom this home will take and fit for life, we believe that it is due her that this institution bear her name.

The resolution was read second time.

Senator Darwin made the point of order that a statute cannot be amended by a resolution.

The Chair sustained the point of order.

The Rise and Fall of the Whiskers In the Texas Senate.

You may talk about Hughes and his whiskers;

You may laugh at the funny "old days;"

You may jeer at the fads of the women,

Following styles in their devious ways;

But high on the walls of the Senate
Is many a face that you know,
All blooming or bristling with whiskers

Of Senates that sat long ago.

Now, for instance, the followers of fashion,

The Senate of old eighty-three,
They wore their mustaches and whiskers

In a way that was glorious to see;
And only one man had the courage
To appear with his face cleanly shorn,

And likely the rest twirled mustaches,
Or whiskers, and laughed him to scorn.

Why, as late as the Twenty-two-th Session,

In the year of our Lord ninety-one,
But two braved the dictates of fashion

By shaving—it just wasn't done—
But behold, in the Twenty-ninth Senate,

When just a few years had passed by,

For the last time a Senate majority
Might say, "We, the whiskers, vote
Aye."

For Hanger had shaved off his
hirsute,
And so had D. W. Odell,
And Davidson, Staples and Miller,
As well as young J. B. Dibrell;
Likewise there was Yett, and six
others—

The unlucky number—thirteen—
That sounded the doom of the
whiskers
In the Senate Hall's fast changing
scene.

And when they reached nineteen-
eleven,

Another short lap in life's race,
We find only nine stately solons
Appearing with hair-adorned face;
And Weinert and Johnson and Real,
And Murray and Paulus and Greer,
And Willacy, Ratliff and Adams,
They really began to look queer.

But now has the Senate of Texas
Almost to a man laid aside
The beautiful beards and mustaches
That once were their glory and
pride;

And only two men, with rare courage,
Refuse to be made slaves of style,
For Senators Woods and McMillin
Reveal the same charms as they
smile.

But Senator Baugh says that Fashion
Is turning her spindle once more;
And Senators Carlock and Williams,
And Parr, may soon look as before;
Buchanan and Cousins and Fairchild,
Page, Suiter, McNealus and Witt,
And Lewis and Dorough and Darwin
Will wear 'em, and not care a bit.

And Bailey may have an imperial,
And Bledsoe may grow a long
beard;

And Hertzberg and Wood may wear
burnsides,—

Though Watts, Clark and Floyd
would look "weird;—

And Davidson, Richards and Rogers,
Harp, Murphy, and Dudley and
Hall,

May trim themselves up with
mustaches

And think nothing of it at all.

Oh, yes, you may laugh about
whiskers,

And scoff at Style's changing de-
cree,

But just watch the walls of the Sen-
ate

And "you'll be surprised"—wait
and see.

—By Frances McMinds,
Senate Librarian,

Senate Bill No. 282.

The Chair laid before the Senate,
on third reading,

S. B. No. 282, A bill to be entitled
"An Act to amend Article 4459, Chap-
ter 6, Title 65, Revised Civil Statutes
of the State of Texas of 1911, relative
to dangerous diseases and insect
pests that depredate upon fruit trees
and nursery stock; prescribing meth-
ods of dealing with such diseases and
insect pests and adding to such list
of diseases and insect pests the words
citrus canker, plum canker, fire
blight, Florida red scale, cottony
cushion scale, and woolly aphis, de-
claring all fruit trees and nursery
stock infected, or infested with any
disease or insect pest mentioned
herein a public nuisance, and provid-
ing for the treatment and destruction
of all fruit trees and nursery stock
found to be so infected, or infested,
and declaring an emergency."

The bill was read third time and
passed finally by the following vote:

Yeas—25.

Bailey.	Harp.
Baugh.	Hertzberg.
Bledsoe.	Lewis.
Buchanan.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Suiter.
Darwin.	Watts.
Davidson.	Williams.
Dorough.	Witt.
Dudley.	Wood.
Floyd.	Woods.
Hall.	

Absent.

Fairchild.	Murphy.
McMillin.	Richards.

Absent—Excused.

Rogers.

Senate Bill No. 295.

The Chair laid before the Senate on third reading,

S. B. No. 295, A bill to be entitled "An Act creating San Jose Independent School District in Bexar County, Texas; defining the boundaries thereof; providing that outstanding indebtedness of Bexar County Common School District No. 40 shall be valid for and against San Jose Independent District; providing that the legal tax rate of Bexar County Common School District No. 40 shall be made valid in San Jose Independent District, until changed by vote of the people thereof; providing for the general laws of independent districts to apply to San Jose Independent District, and declaring an emergency."

The bill was read third time and passed finally by the following vote:

Yeas—27.

Bailey.	Harp.
Baugh.	Hertzberg.
Bledsoe.	Lewis.
Buchanan.	McNealus.
Carlock.	Murphy.
Clark.	Page.
Cousins.	Parr.
Darwin.	Sulter.
Davidson.	Watts.
Dorough.	Williams.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hall.	

Absent.

McMillin. Richards.

Absent—Excused.

Rogers.

Senate Bill No. 294.

The Chair laid before the Senate, on third reading,

S. B. No. 294, A bill to be entitled "An Act fixing the time of holding court in the Thirty-eighth Judicial District of Texas, changing the time for holding court in Kerr County, and repealing all laws in conflict herewith."

The bill was read third time and passed finally by the following vote:

Yeas—26.

Bailey.	Hall.
Baugh.	Harp.
Bledsoe.	Hertzberg.
Buchanan.	Lewis.
Carlock.	McNealus.
Clark.	Murphy.
Cousins.	Page.
Darwin.	Parr.
Davidson.	Sulter.
Dorough.	Watts.
Dudley.	Williams.
Fairchild.	Wood.
Floyd.	Woods.

Absent.

McMillin. Witt.

Richards.

Absent—Excused.

Rogers.

Senate Bill No. 240.

The Chair laid before the Senate, on third reading,

S. B. No. 240 A bill to be entitled "An Act to repeal House Bill No. 932, being Chapter 141, page 556, of the Special and Local Laws of the Thirty-third Legislature, which Act provides that Bandera County, or any political subdivision or defined district, shall have the power and is authorized to vote by a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, or defined district, now or hereafter to be described and defined, voting thereon to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county, or of such political subdivision or defined district, and to levy and collect taxes to pay the interest on such bonds, and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or graded roads and turnpikes, or in aid thereof, and authorizing the commissioners' court of said county to describe and define road districts therein; creating the office of County Road Superintendent, prescribing his duties and providing for his compensation; providing for the working of county convicts on the roads of said county.

to provide for the summoning of road hands and teams for road work and for allowance of time for road service for same, and fixing penalties for violation of any of the provisions of this Act; repealing all laws in conflict with this Act as applied to Bandera County, and declaring an emergency.); and declaring an emergency."

The bill was read third time and passed finally by the following vote:

Yeas—28.

Bailey.	Harp.
Baugh.	Hertzberg.
Bledsoe.	Lewis.
Buchanan.	McMillin.
Carlock.	McNealus.
Clark.	Murphy.
Cousins.	Page.
Darwin.	Parr.
Davidson.	Suiter.
Dorough.	Watts.
Dudley.	Williams.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	Woods.

Absent.

Richards.

Absent—Excused.

Rogers.

Senate Bill No. 297.

The Chair laid before the Senate, on third reading,

S. B. No. 297, A bill to be entitled "An Act to regulate the business of insurance made on what is known as the Lloyds plan, and declaring an emergency."

The bill was read third time and passed finally by the following vote:

Yeas—25.

Bailey.	Harp.
Baugh.	Lewis.
Bledsoe.	McMillin.
Buchanan.	McNealus.
Carlock.	Murphy.
Clark.	Page.
Cousins.	Parr.
Darwin.	Suiter.
Davidson.	Watts.
Dorough.	Williams.
Dudley.	Wood.
Floyd.	Woods.
Hall.	

Absent.

Fairchild.	Richards.
Hertzberg.	Witt.

Absent—Excused.

Rogers.

Senate Bill No. 166.

The Chair laid before the Senate, on third reading,

S. B. No. 166, A bill to be entitled "An Act to establish a Texas Industrial School and Workshop for the adult blind of the State; providing for a board to locate such institution and to manage its affairs; providing an appropriation, and declaring an emergency."

The bill was read third time and passed finally by the following vote:

Yeas—24.

Bailey.	Harp.
Baugh.	Lewis.
Bledsoe.	McMillin.
Buchanan.	McNealus.
Carlock.	Murphy.
Clark.	Page.
Cousins.	Parr.
Davidson.	Suiter.
Dorough.	Watts.
Dudley.	Williams.
Floyd.	Witt.
Hall.	Wood.

Present—Not Voting.

Darwin.	Woods.
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Absent.

Fairchild.	Richards.
Hertzberg.	

Absent—Excused.

Rogers.

House Bill No. 324.

Senator Carlock here moved to reconsider the vote by which the Senate passed House Bill No. 324.

The motion was adopted.

The bill was then laid before the Senate on third reading.

Senator Carlock offered the following amendment, which was adopted by unanimous consent:

Substitute for House Bill No. 324.

A BILL
to be entitled.

An Act authorizing the Polytechnic Heights Independent School District No. 42, of Tarrant County, to levy and collect taxes, for maintenance and the issuance of building bonds to the amount not to exceed one hundred and fifty cents on the one hundred dollar valuation, maintenance not to exceed one hundred cents and building bonds not to exceed fifty cents on the one hundred dollar valuation, declaring an emergency, and the repeal of all laws conflicting with any part of this Act.

Be it enacted by the Legislature of the State of Texas:

Section 1. The trustees of Polytechnic Heights Independent School District No. 41, Tarrant County, incorporated under the general laws of Texas for school purposes, shall have power to levy and collect an annual ad valorem tax not to exceed one hundred cents on the \$100 valuation of taxable property of the district for the maintenance of schools therein and a tax not to exceed fifty cents on the \$100 for the purchase of sites and purchasing, constructing, repairing or equipping public free school buildings, within the limits of such incorporated districts; provided, that the amount of maintenance tax, together with the amount of bond tax of the district shall never exceed one hundred and fifty cents on the \$100 valuation of the taxable property. Said trustees shall have power to issue coupon bonds of the district for building purposes to be made payable not exceeding forty years from date, in such sums as they shall deem expedient, to bear interest not to exceed 6 per cent per annum and may be made payable serially or otherwise; provided, that when such buildings are to be wooden, the bonds herein shall not run for a longer period than twenty-five years; provided, that the aggregate amount of bonds issued for the above named purposes shall never reach such an amount that the tax of fifty cents on the \$100 valuation of property in the district will not pay current interest and provide a sinking fund sufficient to pay the principal at maturity; and providing further, that no such tax shall be levied and no

bonds issued until after an election shall have been held wherein a majority of the property tax paying voters voting at said election shall have voted in favor of the levying of said tax or the issuance of said bonds or both, as the case may be; provided that the specific rate of tax for bonds need not be determined in the election. The metes and bounds of said Polytechnic Heights Independent School District are as follows, to-wit:

Beginning at a point where Sycamore Creek crosses the south line of the E. S. Terrell survey; thence east to the west line of the J. Justice survey; thence north to the northeast corner of said survey; thence east along the north line of said Justice survey; and east through the center of the R. R. Ramsey survey; thence north along the east line of the said R. R. Ramsey survey to the southeast corner of the G. W. Coonrod; thence north along the east line of the J. Terrell and P. Anderson surveys to the northwest corner of the J. L. Purvis survey (the same being the west line of the Handley Independent District); thence east to the southeast corner of the Wm. Edwards survey; thence north to the northeast corner of said survey; thence west along the north line of said Wm. Edwards survey, and on west to the Trinity River; thence up said river with its meanderings to the south of Sycamore Creek; thence up said creek with its meanderings to beginning.

Sec. 2. All laws in conflict with this Act are hereby repealed in so far as they conflict with its provisions; and in case any clause or section of this Act shall be held unconstitutional, such action by the court shall not invalidate the remaining parts.

Sec. 3. The deplorable condition of the public free schools within the territory herein described, being without adequate school accommodations and without necessary funds to provide same, together with the crowded condition of the calendar, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this Act take effect and be in force from and after its passage and it is so enacted.

The bill was then finally passed by the following vote:

Yeas—29.

Bailey.

Baugh.

Bledsoe.	Lewis.
Buchanan.	McMillin.
Carlock.	McNealus.
Clark.	Murphy.
Cousins.	Page.
Darwin.	Parr.
Davidson.	Richards.
Dorough.	Suiter.
Dudley.	Watts.
Fairchild.	Williams.
Floyd.	Witt.
Hall.	Wood.
Harp.	Woods.
Hertzberg.	

Absent—Excused.

Rogers.

Senate Bill No. 335.

The Chair laid before the Senate, on third reading,

S. B. No. 335, A bill to be entitled "An Act amending Section 5, of an Act passed at the Regular Session of the Thirty-sixth Legislature of the State of Texas, entitled 'An Act relating to the protection of wild game, birds, etc., and requiring a license for the purpose of hunting, being H. B. No. 457, Chapter 157 of said Regular Session Laws and to repeal all laws in conflict herewith, and declaring an emergency.'"

The bill was read third time and passed finally by the following vote:

Yeas—24.

Bailey.	Hertzberg.
Baugh.	McMillin.
Bledsoe.	McNealus.
Buchanan.	Murphy.
Clark.	Page.
Cousins.	Farr.
Darwin.	Suiter.
Dorough.	Watts.
Dudley.	Williams.
Floyd.	Witt.
Hall.	Wood.
Harp.	Woods.

Absent.

Carlock.	Lewis.
Davidson.	Richards.
Fairchild.	

Absent—Excused.

Rogers.

Simple Resolution No. 75.

By Senator Fairchild:

Whereas, It has been the pleasure and honor of the Senate to have with

us in the Senate Chamber from time to time William George Richards, the one-year-old son of the Senator from Caldwell County; and

Whereas, This small gentleman, in whom are combined the beauty of his mother, the intelligence of his father, and the charm of his own individuality, has been the means of shedding sunshine and cheer throughout the Senate; now, therefore

Be it Resolved, That said William George Richards be, and he is hereby, adopted by the Senate of Texas as the "official mascot of the Senate."

The resolution was read and adopted.

House Bill No. 18.

The Chair laid before the Senate, on third reading,

H. B. No. 18, A bill to be entitled "An Act abolishing the Markets and Warehouse Departments and the Weights and Measures Department and conferring all of the authority, powers, duties, functions, rights and liabilities of the Commissioner of Markets and Warehouses and of said Markets and Warehouse Department and Weights and Measures Department upon the Commissioner of Agriculture; abolishing the board, consisting of the Governor, Commissioner of Agriculture and the Commissioner of Insurance and Banking, created by Chapter 5, General Laws of the Second Called Session of the Thirty-third Legislature, and vesting the powers and duties of said board in the Commissioner of Agriculture; conferring the powers and duties of the Commissioner of Insurance and Banking, relative to warehouses upon the Commissioner of Agriculture, except such as are conferred by Chapter 3, General Laws, Second Called Session of the Thirty-third Legislature; conferring power and authority upon the Commissioner of Agriculture to administer the provisions of Chapter 5, General Laws, Second Called Session of the Thirty-third Legislature, Chapter 41, General Laws First Called Session of the Thirty-fifth Legislature, and Chapter 116, of the General Laws, Regular Session of the Thirty-sixth Legislature, or so much of said statutes as are in force; transferring the appropriations of the Markets and Warehouse Department and the Weights and Measures Department to the Commissioner of Agriculture, and declaring an emergency."

(Senator Harp in the Chair.)

The bill was read third time and failed to pass by the following vote:

Yeas—11.

Baugh.	Suiter.
Davidson.	Watts.
Fairchild.	Williams.
Lewis.	Witt.
McMillin.	Woods.
Richards.	

Nays—11.

Bledsoe.	Hall.
Buchanan.	Harp.
Carlock.	Hertzberg.
Clark.	Murphy.
Dorough.	Wood.
Dudley.	

Present—Not Voting.

McNealus.

Absent.

Bailey.	Floyd.
Cousins.	

(Pairs Recorded.)

Senator Page (present), who would vote nay; with Senator Darwin (absent), who would vote yea.

Senator Parr (present), who would vote nay; with Senator Rogers (absent), who would vote yea.

(Lieutenant-Governor Davidson in the chair.)

Senator McMillin moved to reconsider the vote by which the bill failed of passage, and spread the motion to reconsider on the Journal.

Senator Murphy moved to reconsider the vote by which the bill failed of passage, and to table the motion to reconsider.

The motion to table was lost by the following vote:

Yeas—9.

Bledsoe.	Hall.
Carlock.	Hertzberg.
Clark.	Murphy.
Dorough.	Wood.
Dudley.	

Nays—13.

Baugh.	Richards.
Buchanan.	Suiter.
Davidson.	Watts.
Fairchild.	Williams.
Harp.	Witt.
Lewis.	Woods.
McMillin.	

Present—Not Voting.

McNealus.

Absent.

Bailey.	Floyd.
Cousins.	

(Pairs Recorded.)

Senator Page (present), who would vote yea; with Senator Darwin (absent), who would vote nay.

Senator Parr (present), who would vote yea; with Senator Rogers (absent), who would vote nay.

Pending discussion on the matter, Senator Murphy asked to withdraw the motion to reconsider, but there was objection, and,

Action recurred on the motion to reconsider, and the same was adopted by the following vote:

Yeas—13.

Baugh.	Suiter.
Darwin.	Watts.
Davidson.	Williams.
Fairchild.	Witt.
Lewis.	Woods.
McMillin.	The Chair.
Richards.	

Nays—12.

Bledsoe.	Hall.
Buchanan.	Harp.
Carlock.	Hertzberg.
Clark.	Murphy.
Dorough.	Page.
Dudley.	Wood.

Absent.

Bailey.	Floyd.
Cousins.	McNealus.

(Pair Recorded.)

Senator Parr (present), who would vote nay; with Senator Rogers (absent), who would vote yea.

The vote being a tie, the Chair (Lieutenant Governor Davidson) voted yea, and declared the motion adopted.

The vote by which the Senate refused to pass the bill having been reconsidered,

Action recurred on the final passage of the bill.

The bill failed of final passage by the following vote:

Yeas—11.

Baugh.	Suiter.
Darwin.	Watts.
Davidson.	Williams.
Fairchild.	Witt.
Lewis.	Woods.
McMillin.	

Nays—12.

Bledsoe.	Hall.
Buchanan.	Harp.
Carlock.	Hertzberg.
Clark.	Murphy.
Dorough.	Page.
Dudley.	Wood.

Present—Not Voting.
McNealus.

Absent.

Bailey.	Floyd.
Cousins.	Richards.

(Pair Recorded.)

Senator Parr (present), who would vote nay; with Senator Rogers (absent), who would vote yea.

Senate Bill No. 131.

The Chair laid before the Senate, on third reading,

S. B. No. 131, A bill to be entitled "An Act to amend the laws in regard to the certification of teachers, providing for the same powers of certification to all colleges on a basis of the same standards and courses of work, and for a distinction between certificates obtained by examination and those secured through college work, providing for a gradual raising of standards for teachers through a period of several years and for more adequate examination fees, adding to Sections 107, 108, 110, 110a, 110b, 110c, 110d, Chapter 96, Acts of the Thirty-second Legislature, as amended by Section 1, Chapter 61, Acts of the Third Called Session of the Thirty-sixth Legislature. Sections 107a, 108a, 110e, repealing Sections 114, 116, 117 and 119 of Chapter 96, Acts of the Thirty-second Legislature, as amended by Section 1, Chapter 61, Acts of the Third Called Session of the Thirty-sixth Legislature,, and providing a substitute therefor, repealing Section 121, Acts of the Thirty-second Legislature, and providing a substitute therefor, and amending Section 105, Chapter 96, Acts of the Thirty-second Legislature, and declaring an emergency."

The bill was read third time and passed finally by the following vote:

Yeas—14.

Baugh.	Hertzberg.
Carlock.	Lewis.
Davidson.	Page.
Dorough.	Richards.
Floyd.	Witt.
Hall.	Wood.
Harp.	Woods.

Nays—7.

Bledsoe.	Murphy.
Clark.	Watts.
McMillin.	Williams.
McNealus.	

Absent.

Bailey.	Dudley.
Buchanan.	Fairchild.
Cousins.	Parr.
Darwin.	

(Pair Recorded.)

Senator Suiter (present), who would vote nay; with Senator Rogers (absent), who would vote yea.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, March 8, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 245, A bill to be entitled "An Act to amend Article 521, Chapter 6, Title 14, Revised Civil Statutes of the State of Texas, 1911, and to amend Section 5, Chapter 205, General Laws, passed by the Thirty-fifth Legislature at the Regular Session thereof, approved by the Governor April 9, 1917, providing for this amendatory Act to be Article 521 of the Civil Statutes; and providing for the appointment of State bank examiners and general liquidating agent, for their discharge and removal, and establishing and fixing their salaries; making an appropriation of \$13,802.00 to cover increase of salaries and expenses of examiners, and declaring an emergency."

H. B. No. 278, A bill to be entitled "An Act to fix and establish a legal rate for the publication of all proclamations, advertising, or notices of all kinds required by law to be published in newspapers in this State for the

State, counties or municipalities, or in any legal proceeding, providing for the filing by newspapers with the Board of Control, at Austin, Texas, of a sworn statement of their regular rate of advertising to be open to public inspection, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

With engrossed rider.

H. B. No. 291, A bill to be entitled "An Act further regulating the increase of capital stock of State banks or banking corporations, amending Article 564, Chapter 6, Title 14, Revised Civil Statutes of the State of Texas, 1911, requiring the increase of the capital stock of banks, through orders of the State Banking Board when the statements of the said banks show excessive increase of average daily deposits as compared to the capital stock and surplus of said banks by providing that the State Banking Board may relieve such bank of such order upon finding of conditions justifying such relief; and declaring it to be an offense to receive deposits after refusal or failure of such bank or banking corporation to comply with any order or requirement of the State Banking Board pursuant to the provisions of this Act, and fixing the penalty and punishment therefor."

With engrossed rider.

H. B. No. 282, A bill to be entitled "An Act authorizing incorporated cities, towns and villages in this State to avail themselves of the services of county tax assessors and collectors; and declaring an emergency."

H. B. No. 298, A bill to be entitled "An Act to amend Article 5246f, Chapter 4, Title 77, Revised Civil Statutes of Texas, so as to permit employers and employes in contracts between the State, and political subdivisions of the State, to contract as to the hours of labor to be performed per day."

H. B. No. 309, A bill to be entitled "An Act fixing the compensation of county commissioners in counties having a population of as much as twenty-eight thousand and less than twenty-nine thousand, according to the last United States census, and declaring an emergency."

H. B. No. 366, A bill to be entitled "An Act to amend Article 3867, Title 58, Chapter 3, of the Revised Civil Statutes of 1911, and Article 1175, Title 15, Chapter 4, of the Code of Criminal Procedure of 1911, providing for the increase of the fees of justices of

the peace in this State in civil and criminal cases, and declaring an emergency"

H. B. No. 236, A bill to be entitled "An Act to establish District No. 3, in San Patricio County, Texas, extending its boundaries so as to include certain lands heretofore included in Mathis Independent School District, in said county; providing that such lands and personal property that were situated in said Mathis Independent School District, as it existed since the 20th day of October, 1919, shall continue to be subject to taxation for purposes voted by taxpayers of said Mathis Independent School District, in elections, if any, held since said October 20, 1919, and giving the board of trustees of said School District No 3 certain powers in the election of teachers."

H. B. No. 237, A bill to be entitled "An Act amending Chapter 97 of the Local and Special Laws of the State of Texas, passed by the Thirty-fifth Legislature at its Regular Session, defining and establishing the boundaries of said Mathis Independent School District, and repealing Chapter 81 of the Local and Special Laws passed by the Thirty-sixth Legislature of Texas, at its Second Called Session"

H. B. No. 239, A bill to be entitled "An Act amending Section 2 of Chapter 73 of the Local and Special Laws of the State of Texas passed by the Thirty-sixth Legislature at its Regular Session, said Act creating the Tynan Independent School District in Bee, San Patricio and Live Oak counties, said Act being amended by changing boundaries of said District set out in Section 2 thereof, and declaring an emergency."

H. B. No. 235, A bill to be entitled "An Act to amend Chapter 42, of the Special and Local Laws passed by the Thirty-sixth Legislature at its Second Called Session, defining and establishing the boundaries and limits of Common School District No. 6 of San Patricio County, Texas, and declaring an emergency."

H. B. No. 271, A bill to be entitled "An Act amending Article 2826 of the Revised Civil Statutes of Texas, of 1911, and dispensing with the requirement that public school teachers make affidavits in connection with salary checks as now provided by said statutes and declaring an emergency."

H. B. No. 328, A bill to be entitled "An Act repealing Chapter 28 of the General Laws of the Fourth Called

Session of the Thirty-fifth Legislature and Chapter 8 of the General Laws of the Second Called Session of the Thirty-sixth Legislature, which Acts create and relate to the criminal district court of Bowie County, and declaring an emergency."

H. B. No. 359, A bill to be entitled "An Act fixing the venue in prosecution for bigamy, and declaring an emergency."

H. B. No. 364, A bill to be entitled "An Act amending Article 2939, Chapter 4, Title 49, Revised Civil Statutes, of the State of Texas of 1911, as amended by Senate Bill No. 33, Chapter 40, General Laws of the State of Texas, passed at the First Called Session of the Thirty-fifth Legislature and approved May 26, 1917, regulating elections, prescribing certain qualifications of voters, and providing for absentee voting."

H. B. No. 387, A bill to be entitled "An Act to validate certain sales of certain public free school lands sold to purchasers by the State on September 22, 1905; January 8, 1906, and September 5, 1907, and declaring an emergency."

H. B. No. 398, A bill to be entitled "An Act authorizing cities of over fifty thousand inhabitants to amend their charters by a majority vote of the qualified voters of said city, so as to extend their corporate limits to include adjoining and contiguous territory, where the annexed territory does not include any city or town of more than five thousand inhabitants; providing for the abolishment of the incorporation of any such annexed city or town having less than two thousand inhabitants, the abolishing of the offices thereof; providing for the assumption of the outstanding liabilities against the territory annexed; providing how any special funds on hand of such annexed city or town shall be applied; providing for the collection of all claims, debts, and taxes due to said annexed territory; repealing all laws in conflict with this Act, and declaring an emergency."

H. B. No. 419, A bill to be entitled "An Act for the creation of road districts including one or more existing road districts and other territory in addition thereto, and for the issuance of bonds by such districts; providing for including within such districts any part of a road district or districts that overlap a levee district, drainage

district or any other district created under the laws passed pursuant to Section 52, Article 3, of the Constitution, and for the payment of bonded debts incurred by such road districts so encroached upon; providing for the construction and maintenance of roads outside the limits of a road district; providing that any county or road district acting under the provisions of Section 52, of Article 3, of the Constitution may create indebtedness for the purpose of maintaining roads upon a vote of a two-thirds majority of the resident property taxpayers voting of such county operating under a special road law may avail itself of the provisions of this act; and declaring an emergency."

H. B. No. 512, A bill to be entitled "An Act to amend Articles 1070 and 1075 of Chapter 15, Title 22, of the Revised Civil Statutes of the State of Texas of 1911, as amended by the General Laws of the Regular Session of the Thirty-third Legislature, both of which articles of the statutes relate to commission form of government for cities and towns of less than 5,000, and declaring an emergency."

H. B. No. 543, A bill to be entitled "An Act to authorize counties and cities of over ten thousand inhabitants, either or both, where a fund of fifty thousand dollars or more has been or shall be left by will or otherwise for the establishment and maintenance of a hospital in such city in which the sick and wounded of such city, or of the State of Texas, who are indigent may be admitted and receive the care and attention of the hospital and the medical and surgical attention without cost, to aid in the maintenance of such hospital so far as in the judgment of the commissioners court of the county or of the governing body of the city, may be proper to provide hospital accommodations and surgical and medical attention for the sick and wounded of such county or city who may be indigent, and declaring an emergency."

H. B. No. 547, A bill to be entitled "An Act to amend Article 7395 of the Revised Civil Statutes of the State of Texas, 1911, as the same was amended by Chapter 114 of the acts of the Regular Session of the Thirty-fifth Legislature, and as amended by Chapter 23 of the acts of the First Called

Session of the Thirty-fifth Legislature, and as further amended by Chapters 10 and 11 of the acts of the First and Second Called Sessions of the Thirty-sixth Legislature, relating to the inspection of hides and animals, so as to include among the counties exempt from the provisions of Article 7356 to 7304, inclusive, the county of Matagorda, and to repeal all laws or parts of laws in conflict with this Act," with engrossed riders.

H. B. No. 554, A bill to be entitled "An Act creating the Los Fresnos Independent School District in Cameron County, Texas, and defining its boundaries; providing for the election of a board of trustees therefor; providing for the selection of a secretary, treasurer, assessor and collector of taxes and all other necessary officers and committees and prescribing their qualifications; investing said district with all the rights, powers, privileges and duties of a town or village incorporated under the general laws of the State for free school purposes only, and declaring an emergency."

H. B. No. 557, A bill to be entitled "An Act creating the Mullin Independent School District in Mills County, Texas; defining its boundaries, including the present Mullin Independent School District; providing for a board of trustees in said district, conferring upon said district and its boards of trustees all the right, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the boards of trustees thereof, or any other law or laws that may be hereafter enacted governing independent school districts created or incorporated for free school purposes only under the general laws of this State, providing that the present board of trustees continue in office until the expiration of their respective terms, and declaring an emergency."

H. B. No. 559, A bill to be entitled "An Act to amend Section 1, House Bill No. 533, Chapter 47, of the Local and Special Laws passed at the Regular Session of the Thirtieth Legislature, as amended by House Bill No. 445, Chapter 39, of the Local and Special Laws passed at the Regular Session of the Thirty-sixth Legislature, entitled 'An Act creating the Eldorado Independent School District

in Schleicher County, Texas, so as to extend the boundaries of said district, and declaring an emergency.'"

H. B. No. 563, A bill to be entitled "An Act creating Wells County Line Independent School District in Cherokee and Angelina counties, Texas, including within its limits that certain territory described by metes and bounds; providing for its management by a board of trustees; providing for vesting certain rights, powers, privileges and duties; providing for a board of equalization; fixing their duties and powers; providing for the levy of taxes; providing for the disposition of school-houses; providing for assuming and care of present debts in bonds and of any other natures; declaring this Act cumulative, and declaring an emergency."

H. B. No. 565, A bill to be entitled "An Act relating to the jurisdiction of the county court of Edwards county, Texas, conferring upon said court civil and criminal jurisdiction and conforming the jurisdiction of the district court of said county to such change."

H. B. No. 566, A bill to be entitled "An Act to amend House Bill No. 602, Chapter 21, page 79, of the Local and Special Laws of the Thirty-fifth Legislature, passed at its Regular Session, approved February 23, 1917, creating the Buna Independent School District, so as to correct the field notes in said Act and providing for the Buna Independent School District known as Common School District No. 13 in Jasper County, Texas, and defining its boundaries; and providing for the creating of trustees thereof, to levy, assess and collect special taxes and conferring upon the board of trustees plenary powers; and providing authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor; and to pay current expenses for the maintenance and support of said schools; providing for a board of equalization and prescribing the duty and authority of said board; and further prescribing the duty and authority of said board; and further prescribing the duty and authority of the board of trustees; declaring valid a maintenance tax

heretofore voted, and repealing all laws in conflict herewith in so far as they conflict with this Act, and declaring an emergency."

Adopted H. C. R. No. 38, Relating to care and use of rooms provided for the use of the Speaker of the House and the Lieutenant-Governor.

Respectfully submitted,
N. K. BROWN,
Chief Clerk House of Representatives.

House Concurrent Resolution No. 38.

The Chair laid before the Senate House Concurrent Resolution No. 38, relating to care of furniture in private rooms in capitol building of the Speaker of the House and Lieutenant Governor, and prohibiting use by any other person, placing the care of the said apartments under supervision of Board of Control.

The resolution was read and adopted.

House Bill No. 432.

Senator Richards asked unanimous consent to take up, out of its order, and the Chair laid before the Senate, on second reading,

H. B. No. 432, A bill to be entitled "An Act to amend Section 8 of Chapter 139 of the General Laws of the State of Texas passed by Regular Session, and amended by the Thirty-sixth Legislature at its Second Called Session, Chapter 5, page 24, of the General Laws of the Second Called Session of the Thirty-sixth Legislature; changing the time of holding court in the various counties of the Forty-second Judicial District of Texas; abolishing the criminal jurisdiction of said district court in Stephens County and conferring said criminal jurisdiction upon the district court of the Ninetieth Judicial District of Texas; abolishing the office of assistant district attorney for Stephens County in the district courts of the Forty-second Judicial District and creating the office of district attorney in the district court of said Ninetieth Judicial District of Texas and providing that the district attorney of said district court for said Ninetieth Judicial District shall draw the same salary as now being drawn by said assistant district attorney; validating all processes, writs and

bonds issued or executed prior to the taking effect of this Act; repealing all laws and parts of laws in conflict herewith, and creating an emergency."

The committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Richards, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 432 put on its third reading and final passage by the following vote:

Yeas—29.

Bailey.	Hertzberg.
Baugh.	Lewis.
Bledsoe.	McMillin.
Buchanan.	McNealus.
Carlock.	Murphy.
Clark.	Page.
Cousins.	Parr.
Darwin.	Richards.
Davidson.	Suiter.
Dorough.	Watts.
Dudley.	Williams.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	Woods.
Harp.	

Absent—Excused.

Rogers.

The bill was read third time and passed finally by the following vote:

Yeas—29.

Bailey.	Hertzberg.
Baugh.	Lewis.
Bledsoe.	McMillin.
Buchanan.	McNealus.
Carlock.	Murphy.
Clark.	Page.
Cousins.	Parr.
Darwin.	Richards.
Davidson.	Suiter.
Dorough.	Watts.
Dudley.	Williams.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	Woods.
Harp.	

Absent—Excused.

Rogers.

House Bill No. 189.

Senator Murphy moved that House Bill No. 189 be recommitted to Committee on Civil Jurisprudence.

The motion was adopted.

Senate Bill No. 254.

The Chair laid before the Senate, on second reading,

S. B. No. 254, A bill to be entitled "An Act to amend Article 5655 of the Revised Statutes of 1911, providing for the filing of chattel mortgage and other instruments, and the fee that may be charged therefor."

The bill was read second time, and passed to engrossment.

House Bill No. 468.

Unanimous consent was given to Senator Bledsoe to take up, out of its order, and the Chair laid before the Senate, on second reading,

H. B. No. 468, A bill to be entitled "An Act creating the Ninety-second Judicial District, to be composed of the counties of Young, Archer and Clay, and fixing the terms of said court; providing for the election of a district judge and district attorney; providing that the Thirtieth Judicial District, now composed of the counties of Young, Archer, Clay and Wichita, shall hereafter be composed of Wichita County only, and fixing the terms of said Thirtieth Judicial District; providing for officers of the court, and preserving the status of cases and proceedings, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 468 put on its third reading and final passage by the following vote:

Yeas—29.

Bailey.	Hertzberg.
Baugh.	Lewis.
Bledsoe.	McMillin.
Buchanan.	McNealus.
Carlock.	Murphy.
Clark.	Page.
Cousins.	Parr.
Darwin.	Richards.
Davidson.	Suiter.
Dorough.	Watts.
Dudley.	Williams.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	Woods.
Harp.	

Absent—Excused.

Rogers.

The bill was read third time and passed finally by the following vote:

Yeas—24.

Bailey.	Hertzberg.
Bledsoe.	Lewis.
Buchanan.	McMillin.
Clark.	McNealus.
Cousins.	Murphy.
Darwin.	Parr.
Davidson.	Richards.
Dorough.	Suiter.
Dudley.	Watts.
Floyd.	Williams.
Hall.	Wood.
Harp.	Woods.

Present—Not Voting.

Carlock.

Absent.

Baugh.	Page.
Fairchild.	Witt.

Absent—Excused.

Rogers.

Senate Bill No. 231.

The Chair laid before the Senate, on second reading,

S. B. No. 231, A bill to be entitled "An Act to permit the purchase of notes, bills or other evidences of debt at a greater or less sum than the face value thereof, and limiting such powers to corporations having a capital stock of one hundred thousand dollars, or more, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Hertzberg, the constitutional rule requiring bills to be read on three several days was suspended, and Senate Bill No. 231 put on its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Harp.
Baugh.	Hertzberg.
Bledsoe.	Lewis.
Buchanan.	McMillin.
Carlock.	McNealus.
Clark.	Murphy.
Cousins.	Parr.
Darwin.	Suiter.
Davidson.	Watts.
Dorough.	Williams.
Dudley.	Wood.
Floyd.	Woods.
Hall.	

Absent.

Fairchild.
Page.

Richards.
Witt.

Absent—Excused.

Rogers.

The bill was read third time and passed finally.

Bills Read and Referred.

The Chair (Lieutenant-Governor Davidson), had referred, after their captions had been read, the following House bills:

H. B. No. 278, referred to Committee on State Affairs.

H. B. No. 282, referred to Committee on Towns and City Corporations.

H. B. No. 245, referred to Committee on Insurance and Banking.

H. B. No. 235, referred to Committee on Educational Affairs.

H. B. No. 236, referred to Committee on Educational Affairs.

H. B. No. 237, referred to Committee on Educational Affairs.

H. B. No. 239, referred to Committee on Educational Affairs.

H. B. No. 271, referred to Committee on Educational Affairs.

H. B. No. 298, referred to Committee on Labor.

H. B. No. 309, referred to Committee on State Affairs.

H. B. No. 328, referred to Committee on Judicial Districts.

H. B. No. 389, referred to Committee on Criminal Jurisprudence.

H. B. No. 364, referred to Committee on Privileges and Elections.

H. B. No. 419, referred to Committee on Roads, Bridges and Ferries.

H. B. No. 398, referred to Committee on Towns and City Corporations.

H. B. No. 387, referred to Committee on Public Lands.

H. B. No. 291, referred to Committee on Banking and Insurance.

H. B. No. 512, referred to Committee on Civil Jurisprudence.

H. B. No. 543, referred to Committee on Civil Jurisprudence.

H. B. No. 547, referred to Committee on Stock and Stock Raising.

H. B. No. 554, referred to Committee on Educational Affairs.

H. B. No. 557, referred to Committee on Educational Affairs.

H. B. No. 559, referred to Committee on Educational Affairs.

H. B. No. 563, referred to Committee on Educational Affairs.

H. B. No. 565, referred to Committee on Judicial Districts.

H. B. No. 566, referred to Committee on Educational Affairs.

Senate Bill No. 263.

The Chair laid before the Senate, on second reading,

S. B. No. 263, A bill to be entitled "An Act fixing the maximum passenger rate that may be charged by any steam railroad company or interurban railway company for transporting certain peace officers of this State, when traveling on official business between points within this State, making it an offense for any steam railroad company or electric interurban railway company or any person or persons operating the same, or the receivers or lessees thereof, or any officer, agent or employe of any such company in this State to charge more than such maximum rate, and prescribing a penalty therefor, declaring it to be an offense for any peace officer entitled to the benefits of this Act to accept the benefits thereof when traveling on other than official business, or for any person not entitled to the benefits of this Act to falsely represent himself as entitled to the same and to purchase or offer to purchase transportation at the rate fixed by this Act; fixing a penalty therefor, and declaring an emergency."

Addition to Committees.

Senators Bledsoe, Clark and Floyd were added to the Committee on Senatorial Districts by order of the Lieutenant Governor.

Recess.

On motion of Senator McMillin, the Senate, at 12 o'clock, noon, recessed until 3 o'clock today.

After Recess.

The Senate was called to order by Lieutenant-Governor Davidson.

Senate Bill No. 226.

By unanimous consent, the Chair here withdrew Senate Bill No. 226 from the Committee on Judicial Districts and referred the bill to the Committee on Senatorial Districts, the first reference of the bill being an error.

Simple Resolution No. 76.

By Senators Bledsoe and Baugh:

Whereas, House Bill No. 94, as passed by the House of Representatives, was by the Senate referred to the Senate Committee on Senatorial Redistricting, and said bill is now in the hands of said committee, and in their consideration thereof has been referred to a subcommittee, which, owing to the lateness of the date of its consideration will have the effect of preventing a consideration of said bill at this time; and

Whereas, It is the duty of the Legislature to redistrict the State at this time into Senatorial Districts, as provided in the Constitution of the State of Texas in order that the people of Texas may be properly represented, therefore, be it

Resolved, by the Senate, that said committee be requested to either report said bill to today's session of the Senate, or return same for such action as the Senate may see fit to take thereon.

The resolution was read and lost by the following vote:

Yeas—15.

Bailey.	Lewis.
Clark.	Murphy.
Darwin.	Parr.
Davidson.	Richards.
Dorough.	Witt.
Floyd.	Wood.
Hall.	Woods.
Harp.	

Nays—10.

Baugh.	Fairchild.
Bledsoe.	Hertzberg.
Carlock.	McMillin.
Cousins.	McNealus.
Dudley.	Williams.

Present—Not Voting.

Page.	Watts.
Suiter.	

Absent.

Buchanan.

Absent—Excused.

Rogers.

Senate Bill No. 263.

(Pending Business.)

Action recurred on the pending business from the morning call, Senate Bill No. 263.

The committee report, with committee amendments, was adopted.

Senator Clark offered the following amendment:

Amend Senate Bill No. 263, page 2, line 5, after the word "two," by adding the words "all Legislators."

On motion of Senator McNealus, the amendment was tabled.

The bill was read second time and passed to engrossment.

On motion of Senator McNealus, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 263 put on its third reading and final passage by the following vote:

Yeas—23.

Bailey.	Harp.
Baugh.	Hertzberg.
Bledsoe.	Lewis.
Carlock.	McMillin.
Clark.	McNealus.
Cousins.	Page.
Davidson.	Richards.
Dorough.	Suiter.
Dudley.	Watts.
Fairchild.	Wood.
Floyd.	Woods.
Hall.	

Absent.

Buchanan.	Farr.
Darwin.	Williams.
Murphy.	Witt.

Absent—Excused.

Rogers.

The bill was read third time and passed finally by the following vote:

Yeas—21.

Baugh.	Clark.
Bledsoe.	Cousins.
Carlock.	Davidson.

Dorough.	McMillin.
Dudley.	McNealus.
Fairchild.	Page.
Floyd.	Richards.
Hall.	Suiter.
Harp.	Watts.
Hertzberg.	Wood.
Lewis.	

Present—Not Voting.

Bailey.	Woods.
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Absent.

Buchanan.	Parr.
Darwin.	Williams.
Murphy.	Witt.

Absent—Excused.

Rogers.

Senate Bill No. 156.

Senator Davidson moved that the regular order of business be suspended, and the Senate take up, out of its order, Senate Bill No. 156.

Senator Hall moved to table the motion by Senator Davidson, which motion to table was lost by the following vote:

Yeas—9.

Bailey.	Harp.
Clark.	Hertzberg.
Dorough.	McNealus.
Floyd.	Witt.
Hall.	

Nays—12.

Darwin.	Murphy.
Davidson.	Suiter.
Dudley.	Watts.
Fairchild.	Williams.
Lewis.	Wood.
McMillin.	Woods.

Present—Not Voting.

Carlock.	Page.
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Absent.

Baugh.	Cousins.
Bledsoe.	Parr.
Buchanan.	Richards.

Absent—Excused.

Rogers.

Action recurred on the motion by Senator Davidson, and the same was

lost by the following vote, a two-thirds vote being necessary:

Yeas—13.

Bledsoe.	Murphy.
Cousins.	Suiter.
Darwin.	Watts.
Davidson.	Williams.
Fairchild.	Wood.
Lew's.	Woods.
McMillin.	

Nays—10.

Bailey.	Hall.
Clark.	Harp.
Dorough.	Hertzberg.
Dudley.	McNealus.
Floyd.	Witt.

Present—Not Voting.

Carlock.	Page.
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Absent.

Baugh.	Parr.
Buchanan.	Richards.

Absent—Excused.

Rogers.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, March 8, 1921.
Hon. Lynch Davidson, President of
the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 36, Relating to reclamation of swamp and arid lands.

Respectfully submitted,

N. K. BROWN,
Chief Clerk House of Representatives.

Privilege Motion.

Senator Dudley moved that the vote by which the Senate passed the sine die adjournment resolution, being House Concurrent Resolution No. 26, be rescinded.

The point of order was made by Senators Hall and McNealus that the motion to rescind was out of order by reason that the resolution should be recalled from the House.

The Chair overruled the point of order, holding that the Senate had the right to rescind.

The motion to rescind was lost by the following vote, a two-thirds vote being necessary:

Yeas—13.

Bailey.	Floyd.
Buchanan.	Harp.
Carlock.	Richards.
Davidson.	Williams.
Dorough.	Witt.
Dudley.	Wood.
Fairchild.	

Nays—14.

Baugh.	Lewis.
Bledsoe.	McMillin.
Clark.	McNealus.
Cousins.	Murphy.
Darwin.	Parr.
Hall.	Watts.
Hertzberg.	Woods.

Present—Not Voting.

Page. Suiter.

Absent—Excused.

Rogers.

Senate Bill No. 262.

The Chair laid before the Senate, on second reading,

S. B. No. 262, A bill to be entitled "An Act empowering the Commissioners' Court to employ a stenographer; prescribing qualifications and duties, fixing compensation, and declaring an emergency."

On motion of Senator Clark, the bill was laid on the table subject to call.

Senate Bill No. 206.

The Chair laid before the Senate, on second reading, Senate Bill No. 206.

The bill was laid on the table subject to call.

Senate Bill No. 159.

The Chair laid before the Senate on second reading, Senate Bill No. 159.

The bill was laid on the table subject to call.

Senate Bill No. 261.

The Chair laid before the Senate, on second reading, S. B. No. 261.

The bill was laid on the table subject to call, on motion of Senator Murphy.

Senate Bill No. 249.

The Chair laid before the Senate, on second reading,

S. B. No. 249, A bill to be entitled "An Act regulating the practice of medicine; amending certain Articles and adding new Articles to Title 90, Chapter 1, Civil Statutes of this State; amending certain Articles and adding new Articles to Title 12, Chapter 6, of the Penal Code of this State, as follows: By amending Article 5737, prescribing the duties of the district clerks on cancellation of the license of a physician; by amending Article 5738, prescribing the conditions on which one may be licensed to practice medicine in this State under reciprocity arranged with the authorities of other States; by amending Articles 5741, Civil Statutes, authorizing the State Board of Medical Examiners at its discretion to conduct examinations in two parts and prescribing the fee to be paid by the applicant for each examination; by amending Chapter 129, Acts of the Regular Session of the Twenty-sixth Legislature, approved March 24, 1919, to be known hereafter as Article 5744a, Civil Statutes, making it the duty of the State Board of Medical Examiners to cancel the license of any practitioner of medicine for reasons enumerated, and prescribing the procedure to be followed in such cases; by adding a new Article to be numbered 5744b of the Civil Statutes, authorizing suits for injunction be brought by the Attorney General of the State and the district and county attorneys of the State, by the Board of Medical Examiners and by any citizen of the county of the residence of the defendant, to prohibit any person from practicing medicine in this State in violation of law; by amending Article 750 of the Penal Code of this State, making it unlawful for any person to practice medicine without first taking the oath prescribed and having his license registered by the district clerk of the county where he is located or into which he may remove and prescribing punishment for making a false oath before said clerk; by adding a new Ar-

ticle to Chapter 6, Title 12, of the Penal Code of the State, to be Article 750a, making it unlawful for any person to practice medicine after his license has been canceled by the State Board of Medical Examiners or by any court of competent jurisdiction, prescribing as punishment therefor on conviction confinement in the penitentiary, by amending Article 756 of the Penal Code of this State, prescribing that where any person is convicted under the laws of this State for practicing medicine in violation of law that in addition to other punishment inflicted, the court shall enter judgment against the defendant perpetually enjoining him from continuing such violation; by amending Chapter 6, Title 12, of the Penal Code by adding a new Article to be numbered Article 756a, making it a criminal offense for any applicant for license to make a false oath in his application to the Board or to make a false oath before the district clerk to secure registration of his license, said offense shall constitute false swearing and shall be punished as such as provided by the laws of this State."

There being a favorable majority committee report, with amendments, and an adverse minority committee report.

Senator Hertzberg moved to adopt the majority report.

Senator Fairchild moved to postpone the consideration of the committee reports and the bill, until Friday morning.

Senator Hertzberg moved to table the motion to postpone, which motion was adopted by the following vote:

Yeas—17.

Baugh.	Harp.
Bledsoe.	Hertzberg.
Buchanan.	Lewis.
Carlock.	Page.
Clark.	Richards.
Cousins.	Witt.
Darwin.	Wood.
Dorough.	Woods.
Dudley.	

Nays—11.

Bailey.	Murphy.
Davidson.	Parr.
Fairchild.	Suiter.
Hall.	Watts.
McMillin.	Williams.
McNealus.	

Absent.

Floyd.

Absent—Excused.

Rogers.

Senator Bailey moved that the Senate recess until 9:30 o'clock tomorrow morning, which motion was lost by the following vote.

Yeas—10.

Bailey.	McNealus.
Davidson.	Murphy.
Fairchild.	Suiter.
Hall.	Watts.
McMillin.	Williams.

Nays—18.

Baugh.	Harp.
Bledsoe.	Hertzberg.
Buchanan.	Lewis.
Carlock.	Page.
Clark.	Parr.
Cousins.	Richards.
Darwin.	Witt.
Dorough.	Wood.
Dudley.	Woods.

Absent.

Floyd.

Absent—Excused.

Rogers.

Senator Fairchild moved that the Senate adjourn until 10 o'clock tomorrow morning, which motion was lost by the following vote:

Yeas—9.

Bailey.	McNealus.
Davidson.	Murphy.
Fairchild.	Watts.
Hall.	Williams.
McMillin.	

Nays—20.

Baugh.	Harp.
Bledsoe.	Hertzberg.
Buchanan.	Lewis.
Carlock.	Page.
Clark.	Parr.
Cousins.	Richards.
Darwin.	Suiter.
Dorough.	Witt.
Dudley.	Wood.
Floyd.	Woods.

Absent—Excused.

Rogers.

Action then recurred on the motion to adopt the majority committee report to Senate Bill No. 249.

Senator Fairchild moved, as a substitute, to adopt the minority, adverse, committee report.

The substitute motion was lost by the following vote:

Yeas—5.

Fairchild.	Watts.
McNealus.	Williams.
Murphy.	

Nays—22.

Bailey.	Floyd.
Baugh.	Harp.
Bledsoe.	Hertzberg.
Buchanan.	Lewis.
Carlock.	Page.
Clark.	Parr.
Cousins.	Richards.
Darwin.	Suiter.
Davidson.	Witt.
Dorough.	Wood.
Dudley.	Woods.

Present—Not Voting.

Hall.

(Pair Recorded.)

Senator McMillin (present), who would vote yea; with Senator Rogers (absent), who would vote nay.

Action recurred on the motion to adopt the majority committee report, and Senator Fairchild called for the reading of the bill and the committee report.

Senator Carlock, here, by unanimous consent, offered the following motion:

"I move that the Senate reconsider its action in passing House Concurrent Resolution No. 26, being the sine die resolution, and request the House to return said resolution to the Senate for further consideration."

Pending discussion, Senator Darwin moved that the motion lay on the table subject to call.

Senator Hall moved that the Senate recess until 9:30 o'clock tomorrow morning.

The motion was lost by the following vote:

Yeas—6.

Bailey.	Suiter.
McNealus.	Williams.
Murphy.	Woods.

Nays—22.

Baugh.	Floyd.
Bledsoe.	Hall.
Buchanan.	Harp.
Carlock.	Hertzberg.
Clark.	Lewis.
Cousins.	McMillin.
Darwin.	Parr.
Davidson.	Richards.
Dorough.	Watts.
Dudley.	Witt.
Fairchild.	Wood.

Present—Not Voting.

Page.

Absent—Excused.

Rogers.

Senator Watts moved that the Senate adjourn until 10 o'clock tomorrow morning, which motion was lost by the following vote:

Yeas—8.

Bailey.	McNealus.
Fairchild.	Murphy.
Hall.	Watts.
McMillin.	Williams.

Nays—21.

Baugh.	Harp.
Bledsoe.	Hertzberg.
Buchanan.	Lewis.
Carlock.	Page.
Clark.	Parr.
Cousins.	Richards.
Darwin.	Suiter.
Davidson.	Witt.
Dorough.	Wood.
Dudley.	Woods.
Floyd.	

Absent—Excused.

Rogers.

Action recurred on the motion by Senator Darwin to lay the motion by Senator Carlock, on the table subject to call, which motion was adopted by the following vote:

Yeas—23.

Bailey.	Harp.
Baugh.	Hertzberg.
Bledsoe.	Lewis.
Buchanan.	McMillin.
Carlock.	McNealus.
Clark.	Murphy.
Cousins.	Page.
Darwin.	Parr.
Dorough.	Suiter.
Dudley.	Witt.
Floyd.	Wood.
Hall.	

Nays—5.

Davidson.	Williams.
Fairchild.	Woods.
Richards.	

Absent.

Watts.

Absent—Excused.

Rogers.

Action recurred on the motion by Senator Hertzberg to adopt the majority report to Senate Bill No. 249, and,

Senator Dorough moved the previous question on the motion to adopt the majority committee report, which motion was duly seconded. Various points of order on the matter of reading the bill prior to the motion for the previous question were made, and the Chair directed the reading of the bill in full, also the committee reports.

At the conclusion of the reading of the bill, Senator Hall moved that the Senate adjourn until 10 o'clock tomorrow morning, which motion was lost by the following vote:

Yeas—10.

Bailey.	Murphy.
Fairchild.	Suiter.
Hall.	Watts.
McMillin.	Williams.
McNealus.	Woods.

Nays—18.

Baugh.	Dudley.
Bledsoe.	Harp.
Buchanan.	Hertzberg.
Carlock.	Lewis.
Clark.	Page.
Cousins.	Parr.
Darwin.	Richards.
Davidson.	Witt.
Dorough.	Wood.

Absent.

Floyd.

Absent—Excused.

Rogers.

Action then recurred on the motion for the previous question on the majority committee report and the same was ordered.

The majority committee report to S. B. No. 249 was then adopted, and action recurred on the bill on second reading.

Senator McNealus offered the following amendment:

Amend S. B. 249, page 9, at the end of line 7, the following words:

"Nothing in this act shall be construed to affect or to limit, in any way, the practice of the religious tenets of any Church in the ministrations to the sick or suffering by mental or spiritual means without the use of any drugs or material remedy, whether gratuitously or for compensation, provided sanitary laws are complied with."

Senator Hertzberg moved to table the amendment, which motion was adopted, by the following vote:

Yeas—15.

Baugh.	Hertzberg.
Bledsoe.	Page.
Carlock.	Parr.
Clark.	Witt.
Cousins.	Wood.
Dorough.	Woods.
Dudley.	The Chair.
Harp.	

Nays—14.

Bailey.	Lewis.
Buchanan.	McNealus.
Darwin.	Murphy.
Davidson.	Richards.
Fairchild.	Suiter.
Floyd.	Watts.
Hall.	Williams.

(Pair Recorded.)

Senator McMillin (present), who would vote nay; with Senator Rogers (absent), who would vote yea.

The vote being a tie, Lieutenant-Governor, presiding, voted "yea" and declared the amendment tabled.

Senator Watts offered the following amendment:

Amend Senate Bill No. 249, by striking out the period in line 31, page 7, and inserting a semicolon, and adding the following: "Provided, it shall not be necessary for any person who practices only chiropractic to have or file the license or affidavit herein referred to."

On motion of Senator Hertzberg, the amendment was tabled.

Senator Watts offered the following amendment:

Amend Senate Bill No. 249, page 8, line 25, by striking out the period and inserting a semicolon, and adding thereafter the following: "Provided, that no person who practices only chiropractic shall be punishable under this Article for the illegal practice of

medicine in failing to comply with the requirements of Article 5738 or 5741 of the Civil Statutes of this State."

On motion of Senator Hertzberg, the amendment was tabled by the following vote:

Yeas—21.

Bailey.	Floyd.
Baugh.	Harp.
Bledsoe.	Hertzberg.
Buchanan.	Lewis.
Carlock.	Page.
Clark.	Parr.
Cousins.	Richards.
Darwin.	Witt.
Davidson.	Wood.
Dorough.	Woods.
Dudley.	

Nays—6.

Fairchild.	Murphy.
McMillin.	Watts.
McNealus.	Williams.

Present—Not Voting.

Hall.

Absent.

Suiter.

Absent—Excused.

Rogers.

Senator Fairchild offered the following amendment:

Amend Senate Bill No. 249, by adding a new Section to be numbered Section 3a to the bill so that Article 5742, Chapter 1, Title 90, Civil Statutes be amended so as to hereafter read as follows:

Article 5742. Nothing in this law shall be so construed as to discriminate against any particular school or system of medical practice. This law shall not apply to dentists legally qualified and registered under the laws of this State who confine their practice to dentistry; nor to nurses who practice only nursing; nor to masseurs, in their particular sphere of labor who publicly represent themselves as such; nor to optometrists engaged in the practice of optometry; nor to commissioned or contract surgeons of the United States army, navy or public health and marine hospital service in the performance of their duties, but such shall not engage in private practice without license from the Board of Medical Examiners;

nor to legally qualified physicians of other states called in consultation, but who do not open offices or appoint places in this State where patients may be met or called to see. This law shall be so construed as to apply to persons other than licensed druggists of this State not pretending to be physicians, who offer for sale on the streets or other public places remedies which they recommend for the cure of disease.

Senator Clark moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—20.

Bailey.	Harp.
Baugh.	Hertzberg.
Bledsoe.	Lewis.
Buchanan.	Page.
Carlock.	Parr.
Clark.	Richards.
Cousins.	Suiter.
Darwin.	Witt.
Dorough.	Wood.
Dudley.	Woods.

Nays—9.

Davidson.	McNealus.
Fairchild.	Murphy.
Floyd.	Watts.
Hall.	Williams.
McMillin.	

Absent—Excused.

Rogers.

Senator Suiter offered the following amendment:

Amend Senate Bill No. 249, as amended, by inserting in line 8, page 12 of said printed bill, after the word "merits," and before the word "if" the following:

And in case of prosecution for a violation of the Penal Code, no injunction shall be issued until the judgment of conviction shall have been made final.

The amendment was read and adopted.

Senator Richards offered the following amendment:

Amend Senate Bill No. 249, as amended, Section 5 of the printed bill, page 12, line 8, by adding after the word "shown" at the end of line 8, the following: "Beyond a reasonable doubt."

Senator Hertzberg moved to table the amendment, which motion to table was lost by the following vote:

Yeas—12.

Bledsoe.	Dudley.
Buchanan.	Harp.
Carlock.	Hertzberg.
Clark.	Page.
Darwin.	Witt.
Dorough.	Wood.

Nays—16.

Bailey.	McNealus.
Baugh.	Murphy.
Cousins.	Parr.
Davidson.	Richards.
Fairchild.	Suiter.
Floyd.	Watts.
Hall.	Williams.
Lewis.	Woods.

(Pair Recorded.)

Senator McMillin (present), who would vote nay; with Senator Rogers (absent), who would vote yea.

Senator Carlock moved the previous question on the amendment and the bill, which motion was duly seconded, was ordered, by the following vote:

Yeas—15.

Baugh.	Dudley.
Bledsoe.	Harp.
Buchanan.	Hertzberg.
Carlock.	Page.
Clark.	Parr.
Cousins.	Witt.
Darwin.	Wood.
Dorough.	

Nays—13.

Bailey.	Murphy.
Davidson.	Richards.
Fairchild.	Suiter.
Floyd.	Watts.
Hall.	Williams.
Lewis.	Woods.
McNealus.	

(Pair Recorded.)

Senator McMillin (present), who would vote nay; with Senator Rogers (absent), who would vote yea.

The amendment by Senator Richards was adopted.

Senator Page moved to reconsider the vote by which the previous question was ordered.

The motion was adopted.

Senator Watts offered the following amendment:

Amend Senate Bill No. 249, page 9, Section 10, line 7, by adding thereto the following: "Provided that the

terms of this Act shall not apply to the Christian Scientists or divine healing by faith in God or belief in the teachings of the Bible."

Senator Dudley moved to table the amendment.

Pending discussion Senator Bailey moved that the Senate recess until 8:30 o'clock tonight, which motion was lost by the following vote:

Yeas—8.

Bailey.	Murphy.
Davidson.	Richards.
Floyd.	Watts.
McNealus.	Williams.

Nays—19.

Baugh.	Harp.
Bledsoe.	Hertzberg.
Buchanan.	Lewis.
Carlock.	McMillin.
Clark.	Page.
Cousins.	Suiter.
Darwin.	Witt.
Dorough.	Wood.
Dudley.	Woods.
Fairchild.	

Absent.

Hall.	Parr.
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Absent—Excused.

Rogers.

Senator McNealus moved that the Senate adjourn until 9:30 o'clock tomorrow morning, which motion was lost by the following vote:

Yeas—9.

Davidson.	Suiter.
Fairchild.	Watts.
Floyd.	Williams.
McMillin.	Woods.
McNealus.	

Nays—15.

Bledsoe.	Harp.
Buchanan.	Hertzberg.
Carlock.	Lewis.
Clark.	Page.
Cousins.	Richards.
Darwin.	Witt.
Dorough.	Wood.
Dudley.	

Absent.

Bailey.	Murphy.
Baugh.	Parr.
Hall.	

Absent—Excused.

Rogers.

Senator Hertzberg moved to table the pending amendment, which motion to table was adopted.

Pending discussion by Senator Watts, Senator Dudley moved the previous question on the amendment and the bill, the motion being duly seconded, it was ordered.

Pending discussion by Senator Watts, asked unanimous consent that he be given until 9:30 tomorrow morning for the purpose of securing certain papers, but there was objection.

Senator Murphy asked to make a motion to reconsider the vote by which the previous question had been ordered but was held out of order.

Pending much discussion, and confusion, the Chair held that the question was on the amendment by Senator Watts, and the Senate failed to adopt the amendment, by the following vote:

Yeas—7.

Davidson.	Murphy.
Fairchild.	Watts.
Lewis.	Williams.
McNealus.	

Nays—17.

Baugh.	Floyd.
Bledsoe.	Harp.
Buchanan.	Hertzberg.
Carlock.	Page.
Clark.	Richards.
Cousins.	Suiter.
Darwin.	Witt.
Dorough.	Wood.
Dudley.	

Absent.

Bailey.	Parr.
Hall.	Woods.

(Pair Recorded.)

Senator McMillin (present), who would vote yea; with Senator Rogers (absent), who would vote nay.

The bill, having been read second time, was passed to engrossment by the following vote:

Yeas—18.

Baugh.	Harp.
Bledsoe.	Hertzberg.
Buchanan.	Lewis.
Carlock.	Page.
Clark.	Richards.
Darwin.	Suiter.
Davidson.	Watts.
Dorough.	Witt.
Dudley.	Wood.

Nays—5.

Fairchild.	Murphy.
Floyd.	Williams.
McNealus.	
	Absent.
Bailey.	Woods.
Parr.	

(Pairs Recorded.)

Senator McMillin (present), who would vote nay; with Senator Rogers (absent), who would vote yea.

Senator Cousins (present), who would vote yea; with Senator Hall (absent), who would vote nay.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, March 8, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has suspended the rule of the House providing that no Senate Bill on its second reading shall be considered during the last seventy-two hours of a session of the Legislature, and has agreed to consider Senate Bills on second reading until 12 o'clock m., Thursday, March 10.

Respectfully submitted,

N. K. BROWN,

Chief Clerk House of Representatives.

Recess.

On motion of Senator Clark the Senate, at 7:30 p. m., recessed until 9:30 o'clock tomorrow morning.

After Recess.

(Wednesday, March 9, 1921.)

The Senate was called to order at 9:30 a. m., March 9, Lieutenant Governor Davidson presiding.

Senate Bill No. 249.

Senator Hertzberg moved that the constitutional rule requiring bills to be read on three several days be suspended and Senate Bill No. 249 be

put on its third reading and final passage.

When the motion was made several attempts were made to speak on the motion, but the Chair held that the motion was not debatable.

The motion to suspend the constitutional rule was lost by the following vote, it requiring a four-fifths vote:

Yeas—17.

Baugh.	Harp.
Bledsoe.	Hertzberg.
Buchanan.	Lewis.
Carlock.	Page.
Clark.	Parr.
Cousins.	Suiter.
Darwin.	Witt.
Dorough.	Wood.
Dudley.	

Nays—7.

Fairchild.	Murphy.
Floyd.	Watts.
McMillin.	Woods.
McNealus.	

Present—Not Voting.

Bailey.	Hall.
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Absent.

Davidson.	Williams.
Richards.	

Absent—Excused.

Rogers.

**Free Conference Committee Report
On House Bill No. 161.**

Austin, Texas, March 8, 1921.

Hon. Lynch Davidson, President of the Senate; and

Hon. Chas. G. Thomas, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee selected and appointed to adjust the differences between the Senate and the House on

H. B. No. 161, A bill to be entitled "An Act to regulate the employment of women and minors, creating and establishing an Industrial Welfare Commission, and imposing the duties, obligations and liabilities on the giving the powers of such Commission to the Industrial Accident Board, and providing for their appointment by the Governor; fixing their salaries, authorizing the Commission to employ a secretary and other employees necessary to enforce the Act, and

fixing their salaries; defining the duties of the Commission and prescribing certain duties of persons, firms and corporations employing women and minors; prescribing and fixing the powers of the Commission prohibiting the discharge, intimidation or discrimination against employees who may testify before or furnish the Commission with information, and providing penalties therefor; providing for prosecutions for violations of the Act and the orders of the Commission; prescribing the manner for a review of any order, finding or determination of the Commission; conferring the right of civil action by employees who are paid less than the minimum wage fixed by the Commission; prescribing the manner in which complaints may be registered with the Commission; defining the persons to whom the Act shall apply, and providing that the provisions of this Act shall not apply to towns of four thousand nine hundred and fifty inhabitants or less, according to the Federal census of 1920, and does not apply to certain named employees, and making an appropriation to carry out the purposes of this Act; providing for the repeal of Chapter 160, Acts of the Regular Session of the Thirty-sixth Legislature, approved April 3, 1919, and of all laws or parts of laws in conflict with this Act, and declaring an emergency,"

Have had the same under consideration, and beg leave to report as follows, to-wit:

We recommend that said bill be passed with the following Committee Amendments:

1. Strike out all after the enacting clause and insert in lieu thereof the following:

Section 1. There is hereby created a commission to be composed of three commissioners, which shall be known as the Industrial Welfare Commission. The word "commission" hereinafter used refers to and means said Industrial Welfare Commission, and the word "commissioner" as hereinafter used refers to and means a member of the Industrial Welfare Commission. Said Commissioners shall be the same as those now composing the Industrial Accident Board of this State and hereafter the Governor of this State in making appointments to said Industrial Acci-

dent Board shall, as far as possible consistent with the law creating said Industrial Accident Board, observe the following rules, to-wit: One of said Commissioners shall be appointed for a term of two years, one for a term of four years, and one for a term of six years; thereafter, the term of office shall be six years. The Governor shall designate the terms of each of said three first appointees. Each Commissioner shall hold office until his successor is appointed and qualified. Vacancies that may occur in the membership shall be filled by appointment by the Governor for the unexpired portion of the term in which such vacancy occurs.

Quorum of said Commission is hereby declared to be the full membership thereof, but the act or decision of any two Commissioners shall be deemed the act or decision of the Commission. In the event a vacancy should occur then the two remaining Commissioners shall constitute a quorum.

The Governor shall so select and appoint said Commissioners so that at all times one of said Commissioners shall be a representative of the employing class, and one of said Commissioners shall be a representative of the employe class, and the third of said Commissioners shall be a representative of the general public. The representative of the general public so appointed shall possess the qualifications now prescribed by law for a district judge of the State of Texas.

Each of said Commissioners shall be an actual bona fide resident citizen of the State of Texas for five years next preceding the date of his appointment; that each of said Commissioners shall take and subscribe to the same oath of office as is provided by the Constitution for the Governor of this State, and whose appointment shall date from the time copy of said oath is filed in the office of the Secretary of State; the Chairman of said Commission shall be the representative of the general public.

The Commission may, until otherwise provided by the Legislature, employ a secretary, stenographer, and one assistant secretary, and not to exceed six investigators, to carry out the purposes of this Act, and shall

fix the compensation of such employees at not to exceed the sum of twenty-four hundred (\$2,400) dollars per annum, together with all necessary traveling expenses for said employees; each of said salaries shall be paid in equal monthly installments.

When said Industrial Accident Board performs the duties imposed hereby it shall be known as the Industrial Welfare Commission and be governed by the rules and provisions hereof.

Provided, the Legislature may, from time to time, in making appropriations for the Industrial Accident Board and the Industrial Welfare Commission as herein provided for, limit or increase the number of employees and fix and regulate their salaries.

Sec. 2. It shall be the duty of the Commission to ascertain the wages paid, the conditions of employment in the various occupations, trades and industries in this State, and to make investigations into the comfort, health, safety, cost of living and welfare of women and minors employed in commercial, industrial, mercantile or other occupations.

Sec. 3. It shall be the duty of every person, firm, corporation or association of persons employing women or minors in this State: To furnish the Commission, at its request, any and all reports or information which the Commission may require pertaining to the working conditions and wages paid women and minors to carry out the purposes of this Act; such reports or information to be verified by the oath of the person, or a member of the firm, or the president, secretary or manager of the corporation furnishing same, if and when requested by the Commission or any member thereof, provided the blanks for reports required under the provisions of this Act shall be supplied by the Commissioners.

Sec. 3a. For the purposes of this Act, a minor is defined to be a person of either sex under the age of fifteen years.

Sec. 4. The Commission may specify times and places to hold public hearings, at which times and places employers, employees and interested persons may appear and give testimony as to the matter under

consideration. The Commission, or any member thereof, shall have power to subpoena witnesses, issue subpoenas duces tecum and compel the production before the Commission of any and all pay rolls desired by the Commission, and to administer oaths. All witnesses subpoenaed by the Commission shall be paid the fee and mileage provided by law in civil cases. In case of the failure or refusal on the part of any person to comply with any order of the Commission or any member thereof, or any subpoena, or upon the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated before the Commission or any member thereof, or before any duly authorized representative of the Commission, it shall be the duty of any district judge or court to whom application is made by the Commission or any member thereof or by any duly authorized representative of the Commission, to compel obedience in the same manner, by contempt proceedings or otherwise, that such obedience would be compelled in a proceeding before said court. The Commission shall have power to make and enforce reasonable and proper rules not inconsistent with this Act, and shall not be bound by technical rules of evidence.

Sec. 4a. The Commission shall, after a public hearing before the Commission or any member thereof, or upon its own motion or upon petition:

1. Divide the State into districts or zones as nearly as may be in accordance with the working conditions and cost of living found in the various sections of the State, may fix a different minimum wage for women and minors when in their judgment the conditions existing in the zones or districts demand.

2. The Commission may further subdivide the districts or zones by classifying the cities and towns in each district or zone according to population as given in the United States census report for 1920, and fix a different minimum wage for each class where the conditions are found to warrant same.

3. The Commission may fix a minimum wage to be paid women and minors engaged in any occupation,

trade or industry in this State according to the character of the employes, their living conditions and living costs, which shall not be less than a wage adequate to supply such females and minors the necessary cost of proper living, and to maintain the health and welfare of such females and minors; provided, however, that there may be a different minimum wage fixed in said occupation, trade or industry for the employes of different classes—according to the actual minimum living costs of each of said classes.

4. The Commission may further fix the standard conditions of labor demanded by the health and welfare of the women and minors employed or engaged in any occupation, trade or industry in this State. Said Commission may divide the State into zones or districts according to the kind of employes therein, their living conditions and living costs in said zones or districts, and shall fix such wage in each of said zones or districts as may be a fair minimum wage in same.

5. A separate or different wage for learners, apprentices and minors from that fixed for experienced female or minor employes shall be fixed by the Commission, provided that in all cases where an employe is required or permitted to work less than four (4) hours in any one day, the Commission shall have power to fix another additional or different minimum wage for such employe, the number of learners or apprentices employed in any one industry or establishment shall not exceed twenty (20%) per cent of the total number of women and minors employed in such industry or establishment.

Sec. 4b. Any person, firm, association of persons, or corporation owning, operating or conducting any institution, factory, trade or industry affected by the provisions of this Act, may at any time file with the Commission his, their or its petition setting forth the conditions existing in his, their or its particular institution, factory, trade or industry that would entitle same to a different classification and minimum wage from that fixed by the Commission. Upon the filing of said petition the Commission may within sixty days from the date of the filing of said

petition, inspect, or cause to be inspected, such institution, factory, trade or industry, and inquire into, or cause to be inquired into, the minimum living costs, and moral conditions under which the female and minor labor is employed in same, and shall, if warranted by the facts, enter an order re-classifying such institution, factory, trade or industry, and shall fix a lower minimum wage for same in accordance with the existing facts, taking into consideration the actual minimum living costs and conditions provided for the health, comforts and moral betterments of such female or minor employees, provided that no person, firm or corporation may have more than two inspections in any one year.

Sec. 5. Upon the fixing of a time and place for the holding of a hearing for the purpose of considering and acting upon any of the matters referred to in Section 2 hereof, the Commission shall give notice to the public by advertising in at least one newspaper in the county in which the hearing is to be held, and by mailing a copy of said notice to the county clerk of the county in which the hearing is to be held, which notice shall state the time and place of such hearing to be held, which shall not be earlier than ten days from the date of publishing and mailing such notice.

After such public hearing the Commission may, at its discretion, make a mandatory order to be effective in not less than sixty days from the date of such order, specifying the minimum wage to be paid women and minors in the occupation, trade or industry, and the standard condition of labor for such women and minors.

Such order shall be published in at least two daily newspapers in each district or zone, provided there be that number of such newspapers, and a copy shall be mailed to the county clerk of each county in the district or zone, and shall be recorded in a suitable record book to be kept by each county clerk for such purpose, and no charge shall be made for recording same.

The Commission shall furnish to each employer affected, where the address can be obtained, or upon request, a copy of all orders promulgated by the Commission, and such

order or orders must be posted by such employer in a conspicuous place in the place of business or employment where women or minors are employed.

Failure of the employer to receive such notice shall not relieve from the duty to comply with such order. Finding by the Commission that there has been such publication and mailing to the county clerk shall be necessary to the service.

Sec. 6. Whenever wages or conditions of labor have been so made mandatory in any occupation, trade or industry, the Commission may at any time in its discretion, upon its own motion, or upon petition of either employers or employees, after a public hearing held upon notice hereinbefore provided, rescind, alter or amend any prior order. Any order rescinding, altering or amending a prior order shall have the same force and effect as herein provided for an original order.

Sec. 7. Any occupation, trade or industry in or for which a minimum wage has been established under the provisions of this Act, the county judge of the county in which they may reside shall upon proper proof issue to any aged, defective or deficient, or crippled person subject to this Act, a special license authorizing the employment of such person for a period of twelve months (12) for a wage less than such legal minimum wage, which license may be by the county judge of the county in which such female or minor may reside, at its expiration, renew for a like period of twelve (12) months, but the number of such defectives employed in any one establishment or industry at any time shall not exceed twenty (20%) per cent of the total number of women and minors employed in such establishment or industry.

Sec. 8. Any employer who discharges, or threatens to discharge, or in any other manner discriminates against any employe because such employe has testified, or is about to testify, or because such employer believes such employe may testify in any investigation or proceeding relative to the enforcement of this Act, or who shall violate any of the provisions of Section 3 of this Act, or who shall disregard a lawful, mandatory order of the Commission, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one dollar (\$1.00) nor

more than twenty-five (\$25.00) dollars for each first offense and for each subsequent offense not less than twenty-five (\$25.00) dollars nor more than two hundred dollars (\$200.00), or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.

Sec. 9. The minimum wage for women and minors fixed by the Commission under the provisions of this Act shall be the least wage paid such women and minors, and the payment of a lesser wage in any trade, occupation or industry, except as herein provided, where a minimum has been fixed by the Commission shall subject such employer to the penalties provided in the preceding Section. Provided, further, that nothing in this Act shall be construed as preventing any employer of women and minors, in any occupation, trade or industry, from paying a higher wage than the minimum wage fixed by the Commission in such occupation, trade or industry.

Sec. 10. In every prosecution for violation of this Act the minimum wage established by the Commission herein provided shall be prima facie presumed to be reasonable and lawful, and to be the living wage required herein to be paid to women and minors. The findings of the facts made by the Commission acting within its powers shall, in the absence of fraud, be conclusive, except where appealed from as hereinafter provided; and the determination made by the Commission shall be subject to review only in a manner and on the grounds following: Within thirty days from the date of determination, any party aggrieved thereby may commence action in the district court in and for the county in which the aggrieved party resides, or in the district court of Travis County against the Commission for review of such determination. In such action a complaint which shall state the grounds upon which a review is sought shall be served with the summons; service upon the Secretary of the Commission or upon any member of the Commission shall be deemed a complete service. The Commission shall file its answer within twenty days after the service of the complaint. The trial in such court shall in all respects be a trial de novo. Upon the setting aside of any determination, order or wage fixed by the Commission, the court trying said cause shall enter such order, judgments and decrees as

the court shall find should have been originally made by the Commission. The Commission, or any party aggrieved by a decree entered upon a review of a determination, may appeal therefrom within the time and in the manner provided for an appeal from the orders of the said district court. The Attorney General shall defend the orders of the Commission in all courts.

Sec. 11. In all prosecutions for the violation of any provisions of this Act, and in all cases affecting any orders, judgments or decrees made by the Commission, such provisions shall have precedence over all other cases pending in said court of a different nature, and in all cases where an appeal has been taken, said appeal shall have precedence over all other cases of a different nature therein pending.

No criminal prosecution hereunder shall be instituted or maintained for any violation of any provisions of this Act committed during the pendency of said civil suit.

Sec. 12. Any employe receiving less than the minimum wage applicable to such employe shall be entitled to recover in a civil action the unpaid balance of the full amount of such minimum wage, together with cost of suit and an additional amount for attorney's fees, said fees to be determined by the court, notwithstanding any agreement to work for a lesser wage.

Sec. 13. Any person or persons for whom the Commission may have established a minimum wage may register a complaint with the Commission that the wages paid to her or them are less than the rate fixed by the said Commission, and the Commission shall thereupon investigate the matter and proceed in such manner as is necessary to enforce payment of such established wage under the provisions of this Act.

Sec. 13a. The provisions of this Act shall not apply to domestic servants, nurses, farm and ranch labor, and students in schools and colleges, while actually attending such schools and colleges during their session or in vacation and who are working their way through schools and colleges, either in whole or in part; and all telephone exchanges, mercantile establishments of all classes, and laundries in cities, towns and villages whose population was 4,950 or less as shown by the Federal census of 1920 and which do not employ more than twelve women and minors, are hereby exempt from the

provisions of this Act. Provided, further, that the provisions of this Act shall not apply to women or minors whose compensation is measured by piece only, and who do not work under the supervision of the employer.

Sec. 14. The Commissioner shall make biennial report to the Governor and to the Legislature covering all business, investigation and determinations of the Commission for the preceding biennial period.

Sec. 15. There is hereby appropriated out of the moneys of the State Treasury, not otherwise appropriated, the sum of four thousand (\$4,000.00) dollars, or so much thereof as may be necessary, to be used by the Commission in carrying out the purposes of this Act for the balance of the fiscal year ending August 31, 1921. The Comptroller is hereby directed from time to time to draw warrants upon the presentation of properly itemized, verified and approved vouchers, on the general fund in favor of the Commission for the amounts expended under its direction, and the Treasurer is hereby authorized and directed to pay the same.

Sec. 16. Whenever this Act, or any part or Section thereof, is interpreted by a court, it shall be liberally construed by such court.

Sec. 17. If any Section, subsection or subdivision of this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the Act. The Legislature hereby declares that it would have passed this Act, and each Section, subsection, subdivision, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the Sections, subsections, subdivisions, sentences, clauses or phrases is declared unconstitutional.

Sec. 18. All laws or parts of laws in conflict with or inconsistent with this Act, together with Chapter 160 of the Acts of the Regular Session of the Thirty-sixth Legislature, are hereby repealed.

Sec. 19. The importance of this legislation, the near approach of the close of the Regular Session and the fact that the law on this subject now upon the Statute books has been held unworkable and it is necessary to have a workable law on this subject, all create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three

several days be suspended, and said rule is hereby suspended and that this Act shall take effect and be in force from and after its passage and it is so enacted.

Amendment No. 2.

Strike out all before the enacting clause and insert in lieu thereof the following:

By Miller.

H. B. No. 161.

A BILL To Be Entitled

An Act to regulate the employment of women and minors, creating and establishing an Industrial Welfare Commission, and imposing the duties, obligations and liabilities on and giving the powers of such Commission to the Industrial Accident Board, and providing for their appointment by the Governor; fixing their salaries, authorizing the Commission to employ a secretary and other employees necessary to enforce the Act, and fixing their salaries; defining the duties and powers of the Commission and prescribing certain duties of persons, firms and corporations employing women and minors; prescribing and fixing the powers of the Commission; authorizing the Commission to fix a minimum wage to be paid women and minors and conditions of labor; prohibiting the discharge, intimidation or discrimination against employees who may testify before or furnish the Commission with information, and providing penalties therefor; providing for prosecutions for violations of the Act and the orders of the Commission; prescribing the manner for a review of any order, finding or determination of the Commission; conferring the right of civil action by employees who are paid less than the minimum wage fixed by the Commission; prescribing the manner in which complaints may be registered with the Commission; defining the persons to whom the Act shall apply, and providing that the provisions of this Act shall not apply to towns of four thousand, nine hundred and fifty population or less, according to the Federal Census of 1920 and who do not employ more than twelve women and minors; and does not apply to certain named employees, and making an appropriation to carry out the pur-

poses of this Act; and containing other provisions to make the Act more effective; providing for the repeal of Chapter 160, Acts of the Regular Session of the Thirty-sixth Legislature, approved April 3, 1919; and of all laws or parts of laws in conflict with this Act, and declaring an emergency.

We further recommend that the Senate and the House concur in said amendments to said House Bill No. 161.

Respectfully submitted,
MURPHY,
DARWIN,
BAILEY,
HALL.

On the part of the Senate.
TEER,
HILL,
MILLER, of Dallas,
HALL,
BONHAM.

On the part of the House.

Bills Signed.

The Chair (Lieutenant-Governor Davidson), gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 132, A bill to be entitled "An Act to amend Chapter 85 of the Acts of the Regular Session of the Thirty-third Legislature, entitled 'An Act to provide the mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in subdivisions of Harris County, and repealing all laws in conflict herewith, and declaring an emergency.'"

H. C. R. No. 32, Commending Ex-President Woodrow Wilson.

H. C. R. No. 33, Instructing Chief Clerk of the House to wire Ex-President Woodrow Wilson contents of H. C. R. No. 32.

H. B. No. 242, A bill to be entitled "An Act authorizing the erection of a monument to the memory of the soldiers, sailors, marines and nurses from Texas who lost their lives during the war between the United States and the Imperial German Government; providing for the appointment of a committee; making an appropriation therefor; permitting private donations, and declaring an emergency."

H. B. No. 224, Creating Commission of Appeals.

H. B. No. 20, A bill to be entitled

"An Act to amend Articles 586 and 587, Chapter 6, Title 11, of the Penal Code of the State of Texas, so as to provide a penalty for betting on all public elections, and defining public elections, and declaring an emergency."

H. B. No. 12, A bill to be entitled "An Act to amend Chapter 8, Title 71, of the Revised Civil Statutes, providing for the incorporation, organization, regulation, and supervision of mutual life insurance companies in this State, and providing penalties for the violation of this Act."

H. C. R. No. 35, Authorizing Speaker of House and President of Senate to erase their signatures from enrolled House Bill No. 324.

H. C. R. No. 34, Authorizing Penitentiary Investigating Committee to continue their investigation after adjournment of Legislature.

H. B. No. 528, A bill to be entitled "An Act to create a special and more efficient road system for Collin County, in the State of Texas."

Senate Bill No. 249.

Senator Hertzberg moved that Senate Bill No. 249 be made a special order for the next Legislative day, following the conclusion of the morning call.

Senator McNealus asked to address the Senate on personal privilege, but was held out of order by reason of the pending motion.

The motion to make Senate Bill No. 249 a special order was then adopted.

Adjournment.

Senator Dorrough here moved that the Senate adjourn until 10:05 o'clock Wednesday morning.

Senator McNealus moved that the hour be made 10:30 o'clock in lieu of 10:05.

Action being on the longest time first the motion was lost by the following vote:

Yeas—2.

Hall.

Wood.

Nays—24.

Bailey.

Bledsoe.

Baugh.

Buchanan.

Carlock.	Lewis.
Clark.	McMillin.
Cousins.	McNealus.
Davidson.	Page.
Dorough.	Parr.
Dudley.	Suiter.
Fairchild.	Watts.
Floyd.	Williams.
Harp.	Witt.
Hertzberg.	Woods.

Absent.

Darwin.	Richards.
Murphy.	

Absent—Excused.

Rogers.

The motion to adjourn until 10:05 o'clock was then adopted by the following vote:

Yeas—23.

Bailey.	Harp.
Baugh.	Hertzberg.
Bledsoe.	McMillin.
Buchanan.	Murphy.
Carlock.	Page.
Clark.	Parr.
Cousins.	Suiter.
Davidson.	Watts.
Dorough.	Williams.
Dudley.	Wood.
Floyd.	Woods.
Hall.	

Nays—3.

Fairchild.	McNealus.
Lewis.	

Absent.

Darwin.	Witt.
Richards.	

Absent—Excused.

Rogers.

APPENDIX.

Committee Reports.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 8, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

H. B. No. 213, A bill to be entitled "An Act to regulate and make sanitary buildings and rooms used and occupied as a bakery, for the manufacture of bakers' products; pro-

viding for pure and wholesome ingredients of bakers' products, and the cleanliness of receptacles used in the handling of same; prohibiting the use of impure materials, fixing the weight of a loaf of bread; fixing a penalty for the violation of any provision thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed in bill form, but that it be printed in the Journal.

Hall, Chairman; McNealus, McMillin, Floyd, Clark, Bledsoe.

Committee Room,

Austin, Texas, March 8, 1921

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 243, A bill to be entitled "An Act to amend Section 2, Section 10, and Section 26, of Chapter 48 of the General Laws of the First and Second Called Session of the Thirty-sixth Legislature of the State of Texas, so as to provide for and make definite the right to include all or part, or more than one political subdivision of the State of Texas, within fresh water supply districts at their organizations and to limit the issuance of bonds by such district, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed in bill form, but printed in the Journal.

BLEDSON, Chairman.

Committee Room,

Austin, Texas, March 8, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Town and City Corporations, to whom was referred

H. B. No. 398, A bill to be entitled "An Act authorizing cities of over fifty thousand inhabitants to amend their charters by a majority vote of the qualified voters of said city, so as to extend their corporate limits to include adjoining and contiguous territory, where the annexed territory does not include any city or town of more than two thousand in-

habitants; providing for the abolishment of the incorporation of any such annexed city or town having less than two thousand inhabitants, the abolishing of the offices thereof; providing for the assumption of the outstanding liabilities against the territory annexed; providing how any special funds on hand of such annexed city or town shall be applied; providing for the collection of all claims, debts and taxes due to said annexed territory; repealing all laws in conflict with this Act and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, be not printed, but be printed in the Journal.

WATTS, Chairman.

(Floor Report.)

Senate Chamber.

Austin, Texas, March 8, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 539, A bill to be entitled "An Act fixing the venue in prosecution for bigamy, and declaring an emergency."

Have had the same under consideration, and we are instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed, but printed in the Journal.

Hertzberg, Chairman; Dudley, Parr, Woods, Suiter, Dorough.

Committee Room,

Austin, Texas, March 8, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 342, A bill to be entitled "An Act to validate the attempted incorporation of all cities, towns or villages operating under the provisions of Title 22, Revised Statutes, 1911, and amendments thereto, and validating the attempted acceptance by incorporated towns or villages of the provisions of the law with respect to cities and towns under said title, and declaring an emergency."

Have had the same under consid-

eration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, be not printed, but be printed in the Journal.

WATTS, Chairman.

Committee Room,

Austin, Texas, March 8, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 282, A bill to be entitled "An Act authorizing incorporated cities, towns or villages in this State to avail themselves of the services of county tax assessors and collectors, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, be not printed, but be printed in the Journal.

WATTS, Chairman.

Committee Room,

Austin, Texas, March 8, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 196, A bill to be entitled "An Act to amend Section 2 of Chapter 83 of the General Laws of the Thirty-second Legislature, relating to exemptions as affecting employees and ex-employees of common carriers, express, railway, telegraph, news and other companies, persons and corporations performing service for or in connection with the operation of the railways; the State Railroad Commissioners; peace officers and representatives of industrial fairs and farmers' congresses and institutes and farmers' unions; deputy sheriffs, United States marshals, and not more than two deputies of each such marshal; chiefs of police and city marshals; eleemosynary and religious societies; volunteer firemen and Confederate veterans; the State Game, Fish and Oyster Commissioner and his two chief deputies; State and county health officers; government representatives accompanying fish for free distribution in the streams of this State; the Dairy and Food Commissioner and two chief deputies; and providing for right of contract between railway companies and editors,

proprietors or publishers of newspapers and magazines; persons who have been instrumental in securing the passage by the United States Congress of Statutes providing for the equipment of railroad trains with safety appliances; constables; members of the State militia in uniform when called into service."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the committee amendment and be printed in the Journal.

CARLOCK, Chairman.

Committee Room.

Austin, Texas, March 8, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: Your Committee on Finance to whom was referred

H. B. No. 184, A bill to be entitled "An Act to make appropriations in order to enable the State of Texas to continue to receive the benefits of Federal funds appropriated to the States for vocational education under the provisions of the Smith-Hughes Act, accepted by the State of Texas, appropriating \$165,600 or so much thereof as may be necessary for the fiscal year 1921-1922 and an appropriation of \$185,600 or so much thereof as may be necessary for the fiscal year 1922-23,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

DUDLEY, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 8, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 543, A bill to be entitled "An Act to authorize counties and cities of over ten thousand inhabitants, either or both, where a fund of fifty thousand dollars, or more, has been, or shall be, left by will, or otherwise for the establishment and maintenance of a hospital in such city in which the sick and wounded of such city, or of the State of Texas, who are indigent may be admitted and receive the care and attention of

the hospital and medical and surgical attention without cost, to aid in the maintenance of such hospital so far as in the judgment of the commissioners' court of the county, or of the governing body of the city, may be proper to provide hospital accommodations and surgical and medical attention for the sick and wounded of such county or sick who may be indigent; and declaring an emergency."

Have had the same under consideration, and beg to report same back to the Senate with the recommendation that it do pass and be not printed because the Senate Bill in the same subject has been printed.

Bailey, Chairman; Carlock, Woods, Dorrough, Hertzberg, McMillin.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 8, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 345, A bill to be entitled "An Act to amend Chapter 87 of the Local and Special Laws as passed by the Thirty-sixth Legislature at its Regular Session, being An Act to create a more efficient road law for Delta County, by adding thereto a new section to be known as Section 33A, and to provide that the commissioners court of Delta County, Texas, shall have the right to condemn all real estate necessary in laying out and constructing public roads for said county according to the provisions of the special road law of said county and for this purpose shall follow and adopt the proceedings used in condemning lands by railroad companies in this State; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

McMillin, Chairman; Davidson, Williams, Dudley.

Committee Report,

Austin, Texas, March 8, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on En-

rolled Bills have carefully compared Senate Bill No. 274 and find the same correctly enrolled, and have this day at 11 o'clock a. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Report,
Austin, Texas, March 8, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills have carefully compared Senate Concurrent Resolution No. 23 and find the same correctly enrolled and have this day at 11 o'clock a. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Report,
Austin, Texas, March 8, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills have carefully compared Senate Concurrent Resolution No. 20 and find the same correctly enrolled and have this day at 11 o'clock a. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Report,
Austin, Texas, March 8, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills have carefully compared Senate Concurrent Resolution No. 24 and find the same correctly enrolled and have this day at 11 o'clock a. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,
Austin, Texas, March 8, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 491, A bill to be entitled "An Act creating the Three Rivers Independent School District in Live Oak County, Texas, defining its boundaries; providing for the annexation of territory; providing that the present board of trustees may continue in office until the expiration of their

respective terms, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, March 8, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 353, A bill to be entitled "An Act creating the Stamford County Line Independent School District in Jones and Haskell Counties, Texas; defining its boundaries; providing for a board of trustees in said district, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Senate Chamber,
Austin, Texas, March 8, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 131 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,
Austin, Texas, March 8, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 231 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,
Austin, Texas, March 8, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 317, A bill to be entitled "An Act to amend Articles 2851 and 2865, Title 48, Chapter 16, of the Revised Civil Statutes of the State of Texas, providing that any town or village of two hundred (200) inhabi-

tants or over may incorporate for free school purposes only; describing the territory which may be embraced within the limits of such corporation and how the same shall be laid out; for an election to be held for such incorporation and for due return thereof to the county judge; describing the powers and duties of the county judge thereunder and for the levying and collection of taxes and for the issuing of bonds for school purposes and defining the rights and powers of such incorporated districts and providing for the mode, manner and method of changing the boundaries of school districts; for the description of territory proposed to be incorporated within any school district; providing for certain powers to be vested in the board of trustees in the incorporation of such territory; defining the rights, powers, and privileges of the inhabitants and the liability of property embraced within such district, and for the taxation thereof; that this Act is cumulative of all other laws upon the subject, repealing only those in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, be not printed, but be printed in the Journal.

WITT, Chairman.

Austin, Texas, March 8, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 317, A bill to be entitled "An Act to amend Articles 2851 and 2865, Title 48, Chapter 16, of the Revised Civil Statutes of the State of Texas, providing that any town or village of two hundred inhabitants or over may incorporate for free school purposes only; describing the territory which may be embraced within the limits of such corporation and how the same shall be laid out; for an election to be held for such incorporations and for due return thereof to the county judge; describing the powers and duties of the county judge thereunder and for the levying and collection of taxes and for the issuing of bonds for school

purposes and defining the rights and powers of such incorporated districts and providing for the mode, manner and method of changing the boundaries of school districts; for the description of territory proposed to be incorporated within any school district; providing for certain powers to be vested in the board of trustees in the incorporation of such territory; defining the rights, powers, and privileges of the inhabitants and the liability of property embraced within such district, and for the taxation thereof; that this Act is cumulative of all other laws upon the subject, repealing only those in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed, but be printed in the Journal.

WITT, Chairman.

Committee Room,

Austin, Texas, March 8, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 323, A bill to be entitled "An Act creating the Laketon Independent School District in Gray County, Texas, covering the territory now known as the Common School Districts Nos. 1, 15, 4, 14, and part of the Common School Districts Nos. 8 and 13; defining its boundaries and providing for the election of a board of trustees, and the election thereof and the manner of determining their term of office; defining their qualifications, duties, powers and authority, and defining their limitations, and providing for filling vacancies in said board; authorizing the board of trustees to levy, assess, and collect taxes to pay the current expenses in the maintenance and support of the public free schools therein; providing for a tax assessor and collector, treasurer, secretary and other officers and committees; and defining their duties and providing for their compensation; providing for the manner of assessing taxes; providing for a board of equalization and defining its powers and duties and defining a

basis for equalizing taxes; vesting all the property of the above named common school districts and parts of common school districts in the Laketon Independent School District, and providing that Laketon Independent School District shall be liable for all claims and debts now existing against the said above named common school districts, and providing for the management and control of the public free schools in said Independent School Districts; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, March 8, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 269, A bill to be entitled "An Act providing for increase of salary of county superintendents of public instruction of counties having 10,000 scholastics or more; for office and traveling expenses of such county superintendents; and for an office assistant who shall also act as county attendance officer and for the salary of such office assistant; providing also for raising the qualifications for eligibility to the office of county superintendent of public instruction in the said counties; repealing all laws in conflict with its provisions and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, March 5, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 517, A bill to be entitled "An Act creating the La Feria Independent School District in Cameron County, Texas, and defining its boun-

daries; providing for a board of trustees, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with committee amendments, and be not printed.

WITT, Chairman.

Committee Amendments.

To amend House Bill No. 517, by Striking out Section 1, and by inserting in lieu thereof the following, to be known as Section 1:

Section 1. That there is hereby created and established in Cameron County, Texas, an incorporation for free school purposes only, to be known as the La Feria Independent School District, said district to have metes and bounds as follows, to-wit:

Commencing at a point, the intersection of the Cameron and Hidalgo County line, with the center of the Arroyo Colorado, a natural water course crossing the La Feria grant, from west to east, at a distance about one and one-half miles south of the town of La Feria, Texas.

Thence north with same Cameron and Hidalgo County line, same being also the east line of the Mercedes Independent School District, a distance of 37,490 feet, more or less, to the N. W. corner of Lot No. 13, Block No. 9, American Rio Grande Land and Irrigation Company's subdivision, and being mile 12 1-4 north for the N. W. corner of this district.

Thence east with the north line of Lots 13, 14, and 15, of Block No. 9, American Rio Grande Land and Irrigation Company's subdivision and extending this line eastward, a total distance of 6,640 feet, more or less, to a point in the west line of Block No. 45, Collins subdivision in La Feria grant.

Thence south 25' east 700 feet, more or less, to the N. W. corner of Block No. 43 of said Collins subdivision.

Thence east with the north line of Blocks 43 and 44 Collins subdivision, and the north line of Block No. 45 La Feria subdivision, and north line of Block 89 and 90 Minn.-Tex. subdivision, and extending this line eastward across the Ana; Minn.-Tex.

Hooks & Hodges; Rentfro, Garcia, Champion; Moxley & Poulson Champion; Ezell et al. and Adams tracts, a total distance of 20,670 feet, more or less, to the east line of the Adams tract and west line of the Wilson tract, same being the Cameron County School Land League No. 25. This point being near the center of where the La Feria Water Improvement District's east main canal enters the Wilson tract; thence south with Adams tract east line; thence south with the east line of the Adams tract to the northwest corner of Section No. 139. Thence west to the west line of the said Adams tract. Thence south with the west line of said Adams tract to the center of the Arroyo Colorado for the S. E. corner of this district.

Thence up the center of the Arroyo Colorado, with the meanders thereof in a westerly direction, 26,720 feet, more or less to the place of beginning and being approximately 33 square miles.

FORTY-THIRD DAY.

Senate Chamber,
Austin, Texas,

Wednesday, March 9, 1921.

The Senate met at 10:05 o'clock, a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Lynch Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Harp.
Baugh.	Hertzberg.
Bledsoe.	Lewis.
Buchanan.	McMillin.
Carlock.	McNealus.
Clark.	Murphy.
Cousins.	Page.
Davidson.	Parr.
Dorough.	Suiter.
Dudley.	Watts.
Fairchild.	Williams.
Floyd.	Wood.
Hall.	Woods.

Absent.

Darwin.	Witt.
Richards.	

Absent—Excused.

Rogers.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, Senator McNealus called for the reading of the Journal in full.

Pending the reading of the Journal, Senator Dorrough moved that the reading of the Journal be dispensed with.

Senator Fairchild moved to table the motion to dispense with the reading of the Journal, which motion to table was lost by the following vote:

Yeas—3.

Fairchild.	Watts.
McNealus.	

Nays—19.

Bailey.	Hertzberg.
Baugh.	Lewis.
Bledsoe.	McMillin.
Buchanan.	Page.
Carlock.	Parr.
Clark.	Suiter.
Dorough.	Williams.
Dudley.	Wood.
Floyd.	Woods.
Harp.	

Absent.

Cousins.	Murphy.
Darwin.	Richards.
Davidson.	Witt.
Hall.	

Absent—Excused.

Rogers.

The motion to dispense with the reading of the Journal was adopted by the following vote:

Yeas—21.

Bailey.	Harp.
Baugh.	Hertzberg.
Bledsoe.	Lewis.
Buchanan.	McNealus.
Carlock.	Page.
Clark.	Parr.
Darwin.	Suiter.
Dorough.	Williams.
Dudley.	Wood.
Floyd.	Woods.
Hall.	

Nays—3.

Fairchild.	Watts.
McMillin.	

Absent.

Cousins.	Richards.
Davidson.	Witt.
Murphy.	

Absent—Excused.

Rogers.